



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



180  
181  
182  
183





**THE SCOTS STATUTES REVISED**



*Printed by*  
WILLIAM GREEN AND SONS  
*October 1908*

*Scotland. Laws, Statutes, &c.*

THE SCOTS STATUTES REVISED

---

THE ACTS

OF THE

PARLIAMENTS OF SCOTLAND

1424-1707

EDINBURGH

WILLIAM GREEN & SONS

LAW PUBLISHERS

1908

STANFORD LAW LIBRARY



# THE SCOTS ACTS—REVISED EDITION.

---

## ACTA PARLIAMENTORUM REGIS JACOBI PRIMI.

---

PARLIAMENT AT PERTH, 26TH MAY 1424.

CAP. 13.

[1424, *cap.* 11.]

OF CRUFIS AND YARIS

ITEM It is ordanyt that all crufis and yaris set in fresche watteris quhar the see fillis and ebbis the quhilke distroyis the fry of all fischis be distroyit and put away . . . . nocht gaynstandand ony priuilegis or fredome geifyn in the contrare under the payne of ane hundreth shillinges . . . .

[*In part rep.*, 6 *Ed.* 7 *c.* 38 (*S.L.R.*).]

---

CAP. 13.

[1424, *cap.* 12.]

OF MYNIS OF GOLDE AND SILVER

ITEM Gif ony myne of golde or siluer be fundyn in ony lordis landis of the realme and it may be prowyt that thre halfpennys of siluer may be fynit owt of the punde of leide The lordis of parliament consentis that sik myne be the kingis as is vsuale in vthir realmys

---

CAP. 25.

[1424, *cap.* 24.]

OF HOSTILARIS IN BUROWIS TOWNIS AND THRUCHFARIS

ITEM It is ordanyt that in all burowis townyess of the realme and thruchtfaris quhar common passagis ar that thar be ordanyt hostilaris and resetteris haifande stabillis and chawmeris to ridaris and gangaris And at men fynde with thame brede and aile and all vthir fuyde alsueill to horse as men for resonable price eftir as the chapis of the cuntre standis

## PARLIAMENT AT PERTH, 12TH MARCH 1424.

## CAP. 24.

[1424, *cap.* 45.]

## ANENT billis of complayntis

. . . . gif thar be ony pur creatur that for defalt of cunnyng or dispense can nocht or may nocht folow his cause the king for the lufe of god sall ordaine that the Juge befor quham the cause suld be determyt purvay and get a lele and a wyse aduocate to folow sic pur creaturis cause And gif sic cause be obtenyt the wrangar sall assyth bath the party scathit and the aduocatis costis and trauale . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## PARLIAMENT AT PERTH, 11TH MARCH 1425.

## CAP. 3.

[1425, *cap.* 48.]

## UNDIR quhat lawis the kingis liegis salbe governyt

ITEM It is ordanit be the king with the consent and deliuerance of the thre estatis that all and sindry the kingis liegis of the realme leif and be gouernyt vndir the kingis lawis and statutis of this realme alanerly and undir na particulair lawis na speciale priualegis na be na lawis of vthir cuntreis nor realmis

## PARLIAMENT AT PERTH, 1ST JULY 1427.

## CAP. 8.

[1426, *cap.* 88.]

## DE causis mercatorum extra regnum decedencium tractandis

ITEM Eodem die Rex ex deliberacione trium Statuum in parlamento congregatorum decreuerunt quod cause omnium mercatorum et incolarum Regnj Scocie in Zelandia flandria vel alibj extra Regnum decedencium quj se causa marcandizarum suarum peregrinacionis vel aliqua quacunque causa dummodo non causa morandi extra Regnum se transtulerunt debent tractarj coram suis ordinariis Infra Regnum a quibus sua testamenta confirmanur non obstante quod quedam ex bonis huiusmodi decedencium tempore suj obitus fueriut In Anglia vel in partibus transmarinis

## PARLIAMENT AT PERTH, 6TH MARCH 1429.

## CAP. 3.

[1429, *cap.* 113.]

## ANENT excepcionis agane the kingis breifis

ITEM It is statute and ordanit that fra thinfurth thare sal nane excepciounne aualye agayn the kingis breifis quhether thai be lang writtyn or schorte swa that thai halde

the forme of the breif statute in the law of befor congruit and be nocht rasis na blobit in suspect placis that is to say in the name or in the surname of the folowar or of the defendar and the name of the lande or of the cause apoun the quhilk the breif is purchest or in the dait thair of

---

## CAP. 20.

[1429, *cap.* 129.]

Of soverte askit be ony of the kingis liegis that hes doute of his life

ITEM It is statute ande ordanit that gif ony of the kingis liegis haf ony doute of his life outhir be dede or manance or violent presumpcioun ande he ask souerte of thaim that he doutis the schiref sal tak souerte of the party that the complante is maid apoun sa that the party playntife mak prufe of the dede or of manance or of the violent presumpcioun maid or done till hym be his athe or uthir sufficiande prufe . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## ACTA PARLIAMENTORUM REGIS JACOBI SECUNDI.

---

PARLIAMENT AT EDINBURGH, 19TH JAN. 1449.

CAP. 6.

[1449, *cap.* 18.]

OF takis of landis for termes

ITEM It is ordanit for the sauftie and fauour of the pure pepil that labouris the grunde that thai and al vthiris that has takyn or sal tak landis in tym to cum fra lordis and has termes and yeris thereof that suppose the lordis sel or analy thai landis that the takaris sall remayn with thare takis on to the ische of thare termes quhais handis at euir thai landis cum to for sic lik male as thai tuk thaim of befoir . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

ACTA PARLIAMENTORUM REGIS JACOBI TERTII.

---

PARLIAMENT AT EDINBURGH, 20TH NOV. 1469.

CAP. 3.

[1469, *cap.* 27.]

TUICHING the new Inventionis of selling of landis be chartir  
and sesing and takin again of reversions

ITEM As tuiching the new Inuentionis of selling of landis be chartir and sesing and takin again of Reuersionis And It happin the byare to sell again the samyn land to ane vthir persone It is now sene expedient in this present parliament and according to law and conscience that the sellare sall haue Recourse to the samyn landis sauld be him vnder lettre of Reuersione to quhatsumeuir handis the said lettre cummys payand the mone and schawand the Reuersione and haue sic priuelege and fredome aganis the personis that haldis the said landis as he suld haue again the principale first byare . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

---

CAP. 4.

[1469, *cap.* 28.]

ANENT the prescriptioun of obligationis nocht folowit within  
the space of fourty yeris

ITEM As anentis obligationis that salbe folowit in tyme cummyne except thame that ar dependand in the law befor the makin of this Act It is avisit that the partij to quham the obligatione is maid or that has Interest therein sall folow the said obliga within the space of fourty yeris and tak document thairupone And gif he dois nocht It sall prescribe and be of nain avail the said fourtj yeir beand Ronnyng and vnpersewit be the law

---

CAP. 12.

[1469, *cap.* 36.]

ANENT the distrenying of tenandis for the lordis dettis

ITEM To eschow the gret herschip and distructionis of the kingis commonis malaris and Inhabitaris lordis landis throw the force of the brefe of distres that quhare ony sovmes ar optenit be virtu of the said brefe vpoun the lord Awnare of the ground that the gudis and catal of the pure mennis Inhabitaris of the ground ar takin and distrenyeit for the lordis dettis quhare the malis extendis nocht to the avail of the det It is avisit and ordanit in this present parliament that fra hyne furth the pure

tenandis sal nocht be distrenyit for the lordis dettis forthir than his termes mail extendis . . . . And gif the creditour takkis the termes mail be virtu of the brefe of distres It sall nocht be leful to the lorde to tak It again . . . . And als the Oure lorde sall Ressaue the creditoure or ony vthir byar tennande to him thai payande to the Oure lorde a yeris mail as the lande Is set for the tyme . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

---

PARLIAMENT AT EDINBURGH, 9TH MAY 1474.

CAP. 6.

[1474, *cap.* 51.]

ANENT the breif of tutorie

ITEM It is statute and ordanit anent the breif of tutorie that it be vnderstandin in tyme to cum that he that is nerrest agnet and of xxv yeiris of age fulfilling the laif of the poyntis of the breif salbe lauchfull tutour suppois the childe that happynnis to be in tutory haif ane yonger brother or sister nochtwithstanding that the agnet is nocht immediate to succed to the childe be cause of yonger breder and sisteris

---

CAP. 9.

[1474, *cap.* 54.]

ANENTIS the Act of prescripcione of obligacionis

ITEM Anentis the act maide of befor of prescripcione of obligacionis it is ordanit to be wnderstandin in this wise that all aulde obligacionis maid of befor that is eldar than the dait of xl yeris nocht dependande in the lawe in the tyme of the making of the saide actis salbe prescrivit and of na strenthe and in lik wise in tyme to cum all obligacionis maid or to be maide that beis nocht folowyt within xl yeris sall prescribe and be of na awaill

---

PARLIAMENT AT EDINBURGH, 1ST JUNE 1478.

CAP. 6.

[1477, *cap.* 73.]

FOR observing of the act anent the cruvis sett in watteris

ITEM It is statut and ordanit that the Act maid of befor be king James the first anent the cruvis sett in watteris be obseruit and keptit the quhilk beris in effect that all cruvis set in wateris quhare the seye fillis and ebbis the quhilk distrois the fry of all fischis be put away and distroit for euermare Nochtwithstanding all fredome or priuilegis gevin In the contrare . . . . And that thai that has cruvis in fresche wateris that thai ger kepe the lawis anent the setterdais slop And suffer thaim nocht to stand in forbodin tyme . . . . And that Ilk hek of the said cruvis be thre Inche wyde as the auld statut Requiris maid be king dauid . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## PARLIAMENT AT EDINBURGH, 18TH MARCH 1481.

## CAP. 14.

[1481, *cap.* 83.]

MEMORANDUM of a deliverance of the lordis of Counsale anent a revocacione  
maid be a woman havand conjunctfeftment eftir hir husbandis deceis

MEMORANDUM the sext day of marche the yeir of god mccccclxxxi yeiris Robert Danyelstoun was persewit be ane woman callit Glen befor the lordis of counsale And scho wald haue cumin aganis hir aith that scho maid in Jugement befor the officiall of glasgw And thair was schawin ane Instrument vnder the seill of the said officiale that scho consentit to the alienatioun of sic landis and swoir that scho suld neur cum in the contrair heirop And wald haue had the saidis landis allegeand that It was hir coniunctfeftment and maid reuocatioun eftir hir husbandis deceiss sayand that he compellit hir thairto The action was deliuerit aganis this woman

## PARLIAMENT AT EDINBURGH, 1ST OCTOBER 1487.

## CAP. 17.

[1487, *cap.* 111.]

THAT certane commissionaris of borrowis convene in ilk yere

ALSA it is statut and ordanit be the hale thre estatis that yerely in tyme tocum certane commissionaris of all borrowis baith south and north convene and gadre togiddir . . . . with full commissioun and thair to comoune and trete apoune the welefare of merchandis the gude Rewle and statutis for the commoune profit of borowis and to provide for Remede apoune the scaith and Iniuris sustenit within burowis . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

ACTA PARLIAMENTORUM REGIS JACOBI QUARTI.

PARLIAMENT AT EDINBURGH, 28TH APRIL 1491.

CAP. 6.

[1491, *cap.* 25.]

OF landis fallin in ward to oure soverane lord or ony uthir baroun.

ITEM It is statute and ordinit that quhare ony landis happinnis to fall in ward to oure souerane lord or ony vther baroune in his Realme Spirituale or temporale or landis gevin in coniunctfeftment or lifrent als wele to burght as to land that the schiref of the schire stewart prouest or bailyeis sall tak sicker souerte of the persone or personis that gettis sic wardis that thai sall nocht waist nor distroy ther biggingis charteris woddis parkis stankis myndis nor dovcatis bot hald thaim in siclik kynd as thai ar in the tyme that he gettis and ressauis the samen he takand his ressonable sustentacioune or vsing in neidfull thingis without distruccioune or waisting thairof and ane Ressonable levin be gevin to the sustentacioune of the Are eftre the quantite of the heretage of the said Are And gif the said Are haue na blanchferme nor fewferme landis to sustene thaim one Alswele of the wardis that fallis in our souerane lordis handis As ony vther baroune Spirituale or temporale

CAP. 7.

[1491, *cap.* 26.]

OF the tennentis of landis that fallis in ward or ar uthir wayis alterit.

ITEM It is statut and ordinit that quhene ony landis fallis in ward or quhen ony laidy haffand terce or coniunctfeftment happinis to decess or that landis be Redemit and lowsit be Reuersioun gift or selling or wedsetting or ony vtheris wayis ony landis happinis to be alterit the tennentis lauboraris and Inhabitantis ony of the said landis sall Remane vnput furth or Removit quhill the nixt terme of witsonday folowand payand to the lord that sall entir to the saidis landis malez and dewiteis aucht and wont of the saidis landis quhilk broikin sall Induce na possessioun langare na the said witsonday

CAP. 19.

[1491, *cap.* 36.]

OF the commoun gud of all burrowis.

ITEM It is statut and ordinit that the commoun gud of all our souerane lordis burrowis within the realme be obseruit and kept to the commoun gude of the toune and to be spendit in commoun And necessare thingis of the burght be the avise of the consale of the toune for the tyme and dekkynnis of craftis quhare thai ar . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## PARLIAMENT AT EDINBURGH, 11TH MARCH 1503.

## CAP. 9.

[1503, *cap.* 65.]

ANENT recent spulye.

ITEM Anent recent spulye It is statute and ordanit that It salbe leifull to the parti quihilk is spulyeit to summond the spulyeouris . . . befor the lordis . . . And rychtswa to haue power to call the said spulyeour befor the schiref And that ther salbe na exceptionne dilatour admittit agane that summondis It beand lauchtfully Indorsate

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 21.

[1503, *cap.* 76.]

OF airis and executouris persewit for dettis of thair faderis or forbearis.

ITEM Anent the exceptionne proponit be heretaris quhene thai ar persewit for dettis of thair faderis or forbearis to quhom thai succedid allegeand that thair faderis mouabill gudis suld pay thair dettis And that the executouris suld be callit thairfor befor thame It is auisit statute and ordanit that It salbe lefull to the creditour to follow the air eftir the bypassing of ane yeir Because the executouris suld be responsale for ane yeir At the end of the quhilk he suld geve his compt and gif it plesse the air he may and suld be diligent and require the ordinar within the said yeir to ask compt and he to se the compt and quhat beis fund remanand ouer of the thingis pertenant to thair office that he sould require the ordinar that he mycht haif cautioune and souerte for the releving of his heretage Insafer as the gudis restis attour the compt And that the ordinar sall cause him to haif sufficient cautoun thairof And sa at the end of the yeir the air sall ansuere to euerilk creditoure

## CAP. 22.

[1503, *cap.* 77.]

ANENT the exceptionn aganis wedowis persewand thair brevis  
of terce that thai war not lauchfull wiffis

ITEM It is statute and ordanit as anent the exceptionn proponit aganis wedowis persewand and followand thair brevis of terce or the profitis of thair tercis quhilk is oftymes proponit aganis thai wedowis that thai war nocht lauchfull wiffis to the personis thair husbandis be quham thai follow thair said terce That thairfor quhair the matrimone was nocht accusit in thair lyvetymes that the woman askand this terce beand repute and haldin as his lauchfull wife in his lyfe tyme salbe tercit and brouke hir terce but ony Impediment or exceptionne to be proponit aganis hir ay and quhill It be cleirly decernit and sentence gevin that scho was nocht his lauchfull wife and that scho suld nocht have ane lauchfull terce thairfor

## CAP. 45.

[1503, *cap.* 98.]

ANENT the distrenyeing of oxin hors or othir gudis pertening to the pleucht

ITEM It is statute and ordanit that in tyme tocum na manuer of schiref nor officiare pund nor distrenye the oxin horse nor othir gudis pertening to the pleucht and that laboris the grond the tyme of the lauboring of the sammyne quhair ony othir gudis or land are to be apprisit or pondit accordin to the commoun law

## ACTA PARLIAMENTORUM REGIS JACOBI QUINTI.

PARLIAMENT AT EDINBURGH, 13TH MAY 1532.

CAP. 2.

[1537, *cap.* 36-41.]

CONCERNING the ordour of Justice and the institutioun of ane college of cunning  
and wise men for the administracioun of Justice

ITEM Anent the Secund artikle concerning the ordoure of Justice Becaus our sonerane  
Is maist desyrous to haue ane permanent ordoure of Justice for the vniuersale wele  
of all his liegis and thairfor tendis to Institute ane college of cunning and wise men  
. . . . for the doing and administracioun of Justice In all ciuile actiouns and thair-  
for thinkis to be chosin certane persounes maist convenient and qualifyit thairfore  
. . . . with ane president The quhilkis persouns sall be auctorizat . . . . to sitt and  
decyde apoun all actiouns ciuile . . . . And thir persounes to be sworne to minister  
Justice equaly to all persouns in sic causis as sall happin tocum before thaim with sic  
vthir rewlis and statutis as sall please the kingis grace to mak and geif to thaim for  
ordouring of the samin The thre estatis of this present parliament thinkis this artikle  
wele consaunt And thairfor the kingis grace with avise and consent of the saidis thre  
estatis ordanis the samin to haue effect In all punctis and now ratifyis and confermes  
the samin And has chosin . . . persounes . . . . to the effect forsaid quhais processes  
sentencis and decretis sall haue the samin strenth force and effect as the decretis of  
the lordis of sessionne had in all tymes bigane . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

PARLIAMENT AT EDINBURGH, 7TH JUNE 1535.

CAP. 14.

[1535, *cap.* 15.]

THE remeid for distructioun of housis places woddis forestis  
orchartis yardis and hanyngis of landis fallin in ward

ITEM Because It Is vnproffittable and inutile to mak lawis and statutis for polecy to  
be had without the samyn be kept and becaus sic ordoure and prouisiounne As Is deuiseit  
for polecy may failye be falling of landis in to ward or geving of the samin in coniunct  
fee or lyfrent Therefor the kingis grace with avise of his thre Estatis ordanis the act  
maid thairupounne be the maist Excellent prince king James the ferd his fader of maist  
noble mynd to be Obseruit and kept in all punctis Ratifyis and appreis the samin  
And that all schireffis Stewartis ballies and vthir officiaris baith in Regalite and  
Ryalte and siclike spirituale men within thair landis and to burght putt the samin to  
Executiounne in all punctis That Is to say all officiaris within the Ryalte and lordis of

Regalites vnder the pane of Refounding to the heretouris of sick landis fallin in ward at thair parfite aige of all dampnage and scaith that thai sall happin to Sustene throw thair negligence thai being requirit thairto be the persoun that Is in ward or his frenddis And gif the wardatouris of sic landis ladyis of conjunct fee or lyfrent Refusis to find souirtie conforme to the said act thai beand Requirit thairto be the schireff Stewart ballie provest or alderman in burght That the said schireff and officiaris Ilkman within his awine boundis charge thame to find the said souirtie conforme to the said act personalie Or be oppin proclamatioune at the heid burght of the schire quhare the saidis landis lyis within xxj dais nixt efter thai be chargit thairto vnder the pane of wanting of the proffett of all sik ward landis coniunctfee or lifrentis To be Inbrocht to the kingis use Ay and quhill the said cautioune be sufficientlie findin And that the lordis auditouris of chekker and thesaurar for the tyme Inquire diligentlie in euery chekker at all schireffis and vthiris officiaris forsaid at the making of thair comptis gif ye said cautioune be sufficientlie fundin and gett certificatioune thairof

## CAP. 38.

[1535, *cap.* 32.]

INTERPRETATIOUN of the lawis tuiching the rychtis of superiouris to the males and dewiteis of the landis of thaim that hes bene yeir and day at the horne

THE quhilk day In the mater Referrit be the lordis of Sessioun to the Lordis thre estatis of parliament for Interpretatioune of certane lawis of the realme schewin and product befor the saidis lordis of Sessioun In ane actiounne movit befor thaim and yit dependand be James kennedy of blarquhan aganis thomas mclellane of gilestoune for the males and dewittis of the landis of castell cruke and killemanocht with the pertinentis liand within the schirefdome of wigtoune pertenyng to the said thomas In heretage haldin of the said James immediatlie in chefe and throw his being at the horne attour yere and day the males and dewiteis of the saidis landis be the lawis of the Realme pertenis and suld pertene to the said James for the said thomas lyftyme And because the saidis lawis war variante in thair selfis and thairfor war Referrit to the Interpretatioune of the estatis of parliament gif the samin concernis simple slauchter or nocht and suld haue place in that mater or nocht As at mare lenth Is contenit in the act maid thairupoune of the dait At Edinburgh the ferd day of marche the yeir of god m<sup>d</sup>xxxiiij yeris Baith the saidis partiis beand personally present with thair procuratouris and forespekarris the saidis lawis and vthiris thair Resonis and allegationis being hard sene and understand the lordis of the articlis being Riplie avisit thairwith ffindis that the vse in tymes bigane hes bene that the males and dewiteis of the landis of thaim that hes bene yeir and day at the horne haldin of vthir superiouris than the kingis grace yeir and day being past Returnit agane to the superiouris of the saidis landis for the lyftyme of thaim that sustenit sik process of hornyng yeir and day as said Is Except Crymes of tresoune and lese maieste And findis that the saidis lawis suld be sa Interprete and vsit in tymes cuming

## PARLIAMENT AT EDINBURGH, 3RD DECEMBER 1540.

## CAP. 10.

[1540, *cap.* 75.]

THE ordour of summoning of all personis In ciuil actiounes

ITEM For eschewing of grett Inconvenientis and fraude done to our souerane lordis liegis be Summoning of thame at thare duelling places And oft tymes falslie and

gettis neuer knowlege thairof It is statute and ordanit that In tymes cuming quhare any officiar or schireff in that part passis at the command of The kingis lettrez or the schireffis stewartis barone or balyeis precept to Summond ony party geif thai can nocht apprehend thame personalie thai sall pass to the yett or durr of the principale duelling place quhare the persoune to be Summond duellis and has thair actuale residence for the tyme and thare sall desire to haif Enteres quhilk gif It be grantit thai sall first schaw the cause of thare cuming And gif thai can nocht gett the party personalie thai sall schaw thair lettres or precept befor the seruandis of the house or vther famouse witnesse and sall execute thair offices and charge and thaireftir sall offir the copy of the saidis lettrez or precept to ony of the servandis quhilk gif thai refuse to do that thai affix the samin vpoune the yett or dure of the personis Summondit And siclik gif thai gett na Enteres thai first knock and at the dure vj knockis thai sall execute thair office befor famouse witnesse at the said house and duelling place and affix the copy vpoune the yett or dure thairof as said Is quhilk sall be lauchfull and sufficient Summoning and deliuering of copy And the party nor officiar sall nocht be haldin to gif ony vthir copy bot at thair awin plesour And euery officiar In his indorsatioune sall mak mentioun of his executioun In maner forsaid And the party at quhais instance the lettre or precept Is direct sall pay to the officiar executour the expense of the copy affix As said Is And salbe taxt and gevin agane to him at the geving of the decrete or sentence gif he happinnis to optene And gif the officiar beis fundin culpable in the executioun of his office he salbe put In our souerane lordis prisoun and punist In his persoune and gudis at the kingis grace will

---

PARLIAMENT AT EDINBURGH, 14TH MARCH 1540.

CAP. 10.

[1540, cap. 93.]

RATIFICATIONE of the Institutioun of the college of iustice

THE kingis grace with advise of his thre estatis of parliament vnderstanding that the Institutioun of his college of Justice and actis maid thairupoune are rycht profitable to his grace and all the haill realme And thairfor now eftir his parfit aige of xxv yeris has ratifyit and appreuit Ratifyis and appreuis for him and his successouris the institutioun of the said college of Justice and actis maid for administratioun of Justice thairin . . . And will and ordanis for the causes forsaid That the said college and Institutioun thairof remane perpetualie for the administratioun of Justice to all the liegis of this realme And to be honowrit siclik as ony vthir college of Justice In vthir realmis And attour gevis and grantis to the president vicepresident and senatouris power to mak sic actis statutis and ordinancis as thai sall think expedient for ordouring of processes and haisty expeditioun of Justice And in absence of president and vicepresident Will that the eldest in ordour of the saidis senatouris be president for the tyme to the effect that thair be na stop of iustice ony tyme throw absence of the saidis president and vicepresident

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 22.

[1540, cap. 104.]

THE pauis Imput to wrangous Jugis

ITEM It is Statute and Ordanit that forsamekle as It hes bene hevelie murmurit To oure souerane lord That his lieges hes bene gretlie hurt in tymes bigane be Jugis

baith spirituale and temporale Quha hes nocht bene alanerlie Jugis bot plane solistaris partiale counsalouris assistaris and part takaris with sum of the partijs and hes tane grete geir And proffitt therefor IT IS Statute and ordanit in tymes cuming That all Justices schireffis lordis of Sessiounne ballies of regaliteis provest and ballies of burrowis and thair deputis and all vtheris Jugis spirituale and temporale Als weill within regaliteis as rialtie sall do trew and equale Justice To all oure souerane lordis liegis without ony partiale Counsale rewardis or buddis taking farther than Is promittit of the law vnder the pane of tinsale of thair honour fame and dignitie giff thai be tentit and convietit of the samyn And giff ony maner of persoune murmuris ony Juge temporale or spirituale als weill lordis of the sessiounne as vtheris and previs nocht the samin sufficientlie he salbe pvnist in semblable maner and sort As the said Juge or persoune quham he murmuris And sall pay ane payne arbitrale at the will of the kingis grace or his counsale for the Infamyng of sic personis Provyding alwayis geif ane spirituale man failyeis That he be callit befor his Juge Ordinar

## CAP. 23.

[1540, *cap.* 105.]

PROVISIOUNE and panis of thame committand fraud in Alienatioun or vthirwyis

ITEM For eschewing of inconuenientis that oft and diuerse tymes happinis In this realme of the new Inuentit craft and falsett committit and done dalie be thame that sellis thare landis or disponis the samin ex titulo oneroso That puttis thair barnis or vther frennd and persoune in stait of the samin before the dait of the selling or geving thair of to vtheris as said Is HEREFOR It Is statute and Ordanit that quha sellis And disponis ony landis or annuell rentis To ony maner of persoune for ony cause quhair warrandice may fall and puttis vtheris in private stait thair of nocht be resignatioun in the kingis graces handis nor be confirmatioun with precept past furth of the chancelarie nor be plane Resignatioun in the ouerlordis handis or confirmatioun of the ouer lord And the persoune that happynnis to gett thir landis and broukis the samin peceable yeir and day be labouring manuring and vptaking of the malis profitis and dewiteis and sa kennyt heretable possessour thair of yeir and day The persoune or personis havand privait stait and saising of the saidis landis sall neuer be hard to clame the samin Aganis the secund heretable possessour for ony cause bot to persew his Interest aganis the principale gevar and his airis And the persoune sellar or gevar tobe callit and declarit infayme at the kingis graces instance and Tobe pvnist in his persoune and gudis at the kingis grace will and plesour And gif the ouerlordis ressanis dowble resignationis wittandlie to the effect abone writtin thai to be pvnist siclik And this act to be extendit to thame that makis dowble assedationis and dowble assignationis

## CAP. 37.

[1540, *cap.* 117.]

THAT na faith be gevin to euidentis solit without subscripcioun  
be the principale or notare

ITEM It is statute and Ordanit that becaus mennys selis may of aventure be tint quhairthrow grett hurt may be generit to thaim that aw the samin And that mennis selis may be fenyeit or putt to writtingis eftir thair deceise in hurt and preiudice of our souerane lordis liegis That therefor na faith be gevin in tyme cuming to ony obligatioun band or vther writting vnder ane sele without subscripcioun of him that aw the samin and witness Or ellis gif the party can nocht write with the subscripcioun of ane notar thairto

## CAP. 41.

*[Not in 12mo. edition.]*

THAT na legat be ressaut in this realme

ITEM It is statute And Ordanit be the thre estatys of this present parliament that na legat nor legatioune be ressaut in this realme bot be avise of our souerane lord And vnderstandin be thame for the commoun weill of the samin conforme to the auld actis of parliament maid Thairvpoun of befor

ACTA PARLIAMENTORUM MARIÆ REGINÆ.

---

PARLIAMENT AT EDINBURGH, 1ST FEBRUARY 1551.

CAP. 11.

[1551, *cap.* 19.]

ANENT thame that maryis twa sindrie wyfis or husbandis levand togidder undevorsit

ITEM It is statute and ordanit that quhatsumeuer persoun maryis twa sindrie wyfis or woman maryis twa sindrie husbandis leuand togidder vndeorsit lauchfullie contrare the aith and promise maid at the solemnizatioun and contracting of the matrimonie and swa ar of the Law periure and infame Thairfoir that the panis of periuring be execute vpone thame with all rigour That is to say confiscatioun of all thair gudis mouabill warding of thair persounis for yeir and day and langar induring the Quenis will and as infame persounis neuer habill to bruke office honour dignitie nor benefice in tyme to cum

---

PARLIAMENT AT EDINBURGH, 20TH JUNE 1555.

CAP. 3.

[1555, *cap.* 30.]

ANENT warning fra redemit landis and the pane for non removing

ITEM In lykewyse It is statute and ordanit that gif ony persounis hauand rycht be reuersioun to redeme landis or vther possessiounis makis or causis mak lauchfull warning to all parteis fra quhome the saidis landis or vther possessiounis aucht and sould be redemit to compeir at ane certane day in the place nemmit in the said reuersioun for ressaifing of the sowmes of money and takkis gif ony be specifeit thairin and at the day warnit fulfilling all thingis as accordis conforme to the reuersioun for his part gif the parteis warnit as said is compeiris and refusis to grant the saidis landis or possessiounis lauchfullie redemit or absentis thame selfis gif thair be na takkis to rin efter the redemptioun of the landis or possessiounis or the takkis being run out the haifar of the rycht to the reuersioun causand lauchfull warning to be maid to the parteis foirsaidis and all vthers occupyaris befor ony witsonday terme efter the redemptioun to flit and remoue fra the saidis landis and possessiounis the redemptioun in maner abone specifeit being fundin lauchfull and the landis be vertew thairof decernit lauchfullie redemit In that caice the parteis quha sould haue grantit the redemptioun of the saidis landis refusit and absentit salbe callit as violent possessouris thairof fra the terme of witsonday befor the quhilk lauchfull warning was maid to remoue as said is siclyke as the landis and possessiounis had bene grantit lauchfullie redemit the day of the redemptioun

---

CAP. 6.

[1555, *cap.* 33.]

THE ordour for summoning of parteis to compeir befor the Justice or uthers jugeis

ITEM It is statute and ordanit that ony persoun summond to compeir befor the Justice his Deputis or vthers jugeis within this Realme hauand powar of Justiciarie

in criminall causis the copie of the saidis letters or precept quhairby he is summond salbe deliuerit to him gif he can be personallie apprehendit and failyeing thair of salbe deliuerit to his wyfe or seruandis or affixt vpone the yet of his dwelling place gif he ony hes . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 8.

[1555, *cap.* 35.]

ANENT the ordour for geving of curatouris to minouris

ITEM Because it is understand that be the geuing of curatouris to minouris be sindrie Jugeis thair hes bene gret skaith sustenit be the saidis minouris Thairfor it is statute and ordanit that in all tymes cumming quhen ony minor passis the yeiris of his tutorie and desyris curatouris That he cum befor his Juge Ordinar and desyre of him ane summondis or edict to warne twa at the leist of the maist honest and famous of the minouris kin and all vthers hauand interes quhilk salbe warnit lauchfullie That is to say the speciall persounis personallie or at thair dwelling placis geuand ane copie to thair wyfis or seruandis or affixand it on thair yettis or duris and vthers haifand interes generallie at the mercat croce of the heid Burgh of the Schire quhair the saidis minouris hes thair landis or gudis to compeir at ane certane day vpone ix dayis warning at the leist to heir and see the curatouris desyrit be the said minour to be geuin to him vnto his perfite age of xxj yeiris and caution fundin de fideli administratione quhilkis beand geuin in maner foirsaid thay sall not be reuokit nor dischargeit nor vthers chosin to the minour vnto the tyme thay be callit befor the Lordis of counsall or vthers Jugeis Ordinar at the will of the barne to heir and see thame dischargeit and reuokit for ressonabill causis Quhilkis being fundin of veritie thay than to be dischargeit and vthers curatouris geuin in thair placis be the ordour foirsaid with caution and na vtherwyse

## CAP. 12.

[1555, *cap.* 39.]

ANENT the maner of the warning of tennentis to flit and remove fra landis mylnis fischingis and possessiounis quhatsumever

ITEM It is statute and ordanit that in all tymes cumming the warning of all tennentis and vthers to flit and remoue fra landis mylnis fischingis and possessiounis quhatsumeuier salbe visit in maner following That is to say lauchfull warning being maid ony tyme within the yeir xl dayis befor the Feist of witsonday outhir personallie or at thair dwelling placis and at the ground of the landis and ane copie deliuerit to the wyfe or seruandis and failyeing thair of to be affixit vpone the yettis or duris of the dwelling placis of the saidis landis gif ony be and thairefter the samin precept of warning to be red in the paroche Kirk quhair the landis lyis vpone ane Sunday befor nune the tyme of the hie Messe and ane copie left and affixit vpone the maist patent dure of the Kirk xl dayis befor the terme and na forther laying furth of stressis and remowing vpone wednesday to be visit in tyme tocum And gif the partie warnit in maner foirsaid remouis not at the terme in that caice the warnar sall incontinent or sa sone as plesis him cum to the Lordis of counsall or to the Schiref of the Schire or vthers Jugeis Ordinaris hauand iurisdiction schawand his precept of warning ordourlie execute and indorsat and sal haue letters or precept to charge the parteis warnit and possessouris of that ground to compeir befor the saidis Lordis Schireffis or thair Deputis or vthers Jugeis Ordinaris foirsaidis hauand iurisdiction vpone sax dayis warning or langar at the will and desyre of the persewar to heir and see thame

decernit to remoue desist and eis conforme to the precept of warning and executioun thair of or els to schaw ane resonnabill cause quhy thay sould not do the samin with certificatioun to thame and thay failyie that letters salbe direct simpliciter vpon thame in the said mater At the quhilk day gif thay compeir not the Lordis Schireffis or vthers Jugeis Ordinar hauand iurisdiction sall decerne thame to remoue desist and eis fra thay landis And gif thay compeir and instantlie schawis sufficient tytill to bruke the landis in that caice the samin Juge to proceid and do Justice as accordis of the Law And gif the partie compeiris and schawis na thing bot makis allegiance and offeris him to impreif the indorsingis in that caice he sall not be hard in Juge-ment bot gif he find sufficient caution to the warnar than instantlie that gif his allegiance being fundin releuant be not sufficientlie verifeit and prouin be him that the profeittis dampnage and interes quhilkis the said warnar or ony vthers hauand interes hes sustenit or sall happin to sustene be the dilay of the foirsaid allegiance be refundit to him And to the effect that this ordour may haue sufficient proces in all tymes tocum It is deuist statute and ordanit that all Schireffis and vthers Jugeis Ordinar hauand iurisdiction as said is be thair selfis or thair sufficient Deputis be redy to sit be fensit courtis all the lauchfull xv dayis efter immediatlie the Feist of Trinitie Sonday for doing of Justice in the saidis causis in maner abone specifeit And gif the Schireffis or Jugeis Ordinaris hauand iurisdiction in maner foirsaid and thair Deputis failyieis to be redy in granting of preceptis and doing of Justice for obseruing of this ordour in that caice thay sall pay to the partie thair hail dampnage interes and expensis but preiudice of the actioun aganis the violent occupyaris and possessoris foirsaidis And als that na aduocatioun of causis be takin be the Lordis fra the Juge Ordinar except it be for deidlie feid or the Schiref principall or the Juge Ordinar be partie or the causis of the Lordis of counsall and thair Aduocattis Scribis and members

## CAP. 16.

[1555, cap. 42.]

ANENT the ressaiving of nulliteis be way of exceptionnis or replyis

ITEM It is statute and ordanit that all nulliteis be ressaift and haue proces be way of exceptionnis or replyis and all tytillis contractis infetmentis or vthers thingis quhatsumeuir that ar null of the Law to be declairit in tyme cumming null and of nane anale be exception or reply in that samin instance thay ar product . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 25.

[1555, cap. 51.]

ANENT the executioun of the actis maid for stanching of the slaying of  
wylde foulis and wylde beistis with additioun

. . . . That na man tak vpon hand to ryde or gang in thair nychtbouris cornis in halking or hunting fra the Feist of Pasche vnto the tyme that the samin be schorne And that na man ryde nor gang vpon quheit na tyme of the yeir . . . . And that na persoun range vther mennis woddis parkis haningis within dykis or browmis without licence of the awnar of the ground vnder the pane of refundiment of the dampnage and skaith to the parteis vpon quhais cornis thay gang or rydis or quhais woddis parkis haningis within dykis or browmis thay sall happin to range . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## PARLIAMENT AT EDINBURGH, 1ST AUGUST 1560.

## CAP. 1.

[*Not in 12mo. edition.*]

THE Confessioun of fayth professed and beleued be the protestantis within the Realme of scotland publischeit be thame in parliament and be the estaitis thair of ratifeit and appreuit as hailsome and sound doctrine groundit vpoun the infallibill trewth of godis word

MATHEW 24.—And this glaid tydingis of the kingdome salbe preichit throwch the haille warld for a witnes vnto all natiounis and than sall the end cum

THE estaitis of scotland with the Inhabitantis of the samyn professing Christ Jesus his holy evangell To thair naturall cuntrey men and to all vtheris Realmes and Natiounis professing the samys christ Jesus with thame wische grace mercie and peace from God the father of our lord Jesus christ with the spreit of rychteous Juge-ment for Salutatioun

LANG HAVE WE thristit deir brethren to haue notifeit vnto the warld the soume of that doctrine quhilk we professe and for the quhilk we haue sustenit infamy and dainger Bot sick hes bene the rage of sathan against ws and against christ Jesus his eternall veritie laillie borne amangis ws that to this day na tyme hes bene grantit vnto ws to cleir oure consciences as maist glaidlie we wald haue done ffor how we haue bene tossit a haille yeir past the maist parte of Ewrope (as we suppoise) dois vnderstand Bot seing that of the infinite gudenes of our god (quha neur sufferethe his afflictit vtterlie to be confoundit) above expectatioun we haue obtenit sum rest and libertie we culd not bot sett furth this breue and playne confessioun of sic doctrine as is proponit vnto ws and as we beliefe and professe pairtlie for satisfacioun of our brethren quhais hartis we dout nocht haue bene and yit ar woundit be the dispytfull Raylling of sick as yit haue not leirnit to speik weill And partelie for stopping of the mouthis of Impudent blasphemaris quha baldlie condempne that quhilk thaj haue nouthir hard nor vnderstand Not that we Juge that the cankerit malice of sick is abill to be cureit be this simple confessioun Na we know that the sweit sauour of the evangell Is and salbe deith to the soneis of perdition Bot we haue chief respect to our waik and infirme brethren to quham we wald communicat the bottome of our hartis least that thaj be trubillit or careit away be diuersities of rumouris quhilk sathan sparseth contrar ws to the defeating of this our maist godlie Interpryse Protesting that gif any man will note in this our confessioun any article or sentence repugning to godis holie word that it wald pleis him of his gentilnes and for chisteane cheriteis saik to admoneise ws of the samyn in writt And we of our honouris and fidelitie do promiseis vnto him satisfacioun fra the mowthe of god (that is fra his holy scriptureis) or ellis Reformatioun of that quhilk he sall prove to be amyss ffor god we taik to record in our consciences that fra our hartis we abhoir all sectis of heresie and all teicharis of erroneis doctrine And that with all humylitie we abraice the puritie off Christis evangell quhilk is the onlie fude of our saullis and therfor sua precious vnto ws that we ar determinit to suffer the extremitie of warldlie dainger rather than that we will suffer our seluis to be defraudit of the same ffor heirof we ar maist certainlie persuaudit that quhasoeuer denyis christ Jesus or is aschameit of him in presens of men salbe denyit befor the father and befor his holie angellis And thairfor be the assistance of the michtie spreit of the same lord Jesus we firmelie purpouse to abyde to the end in the confessioun of this our fayth

## OF God

WE confess and acknowlege ane onlie god to quham onlie we man cleve quham onlie we man serue quham onlie we man wirschip and in quham onlie we man put our traist quha is eternall infinite vnmesurabill incomprehensibil omnipotent inuisibill ane in substance and yit distinct in thre personis the father the sone and the haly gaist

Be quham we confess and beleif all thingis in heuin and in erth alsweill visibill as inuisibill to haue bene creatit to be retenit in thair being and to be rewlit and gydit be his inscrutabil prouidence to sic end as his eternall wisdome gudnes and Justice hes appointit thame to the manifestatioun of his awin glorie

#### OFF the creatioun of man

WE confess and acknowlege this our god to haue creatit man (to wit our first father adam) of quham also god formit the woman to his awin image and similitude to quham he gaif wisdome lordschip Justice fre will and cleir knowlege of him self sua that in the hail nature of man thare culd be notit na imperfectioun fra quhilk honour and perfectioun man and woman did baith fall The woman being dissauit be the serpent and man obeying to the voice of the woman baith conspyring aganis the souerane majestie of god quha in expressit wordis of befor haid threatnit deith gif thay presumit to eit of the forbodin tre

#### OF originall Syn

BE quhilk transgressioun commounlie callit originall sin was the Image of God vtterly defacit in man and he and his posteritie of nature became enemeis to god slavis to sathan and seruandis to sin in sa mekle that deith euerlasting hes had and sall haue power and dominion over all that haue not bene ar not or sal nocht be regenerat fra above quhilk regeneratioun is wrocht be the power of the halie gaist working in the hartis of the elect of god ane assureit faith in the promiseis of god reueillit to ws in his worde be quhilk faith thay apprehend Christ Jesus with the gracie and benefitis promisit in him

#### OF the revelatioun of the promiseis

FOR this we constantlie beleif that God efter the feirfull and horribill defectioun of man fra his obedience did seik Adam agane call vpon him rebuik his sin conuict him for the same and in the end maid vnto him ane maist ioyfull promiseis to witt that the seid of the woman sould brek downe the serpentis heid That is he sould distroy the warkis of the deuill Quhilk promiseis as it was repeitit and maid mair cleir fra tyme to tyme Sua was it embracit with Joy and maist constantlie retenit of all the faithfull from Adam to Noe frae Noe to Abraham fra Abraham to Dauid and swa furth to the incarnatioun of Christ Jesus quha all (we mene the faithfull fatheris vnder the law) did se the Joyfull dayis of Christ Jesus and did reioyss

#### THE continwance increas and preservatioun of the Kirk

WE maist constantlie beleif that God preseruit instructit multipleit honorit decorit and fra deith callit to lyfe his Kirk in all ageis fra Adam till the cuming of Christ Jesus in the flesche ffor Abraham he callit fra his fatheris cuntrie him he instructit his seid he multipleit the same he mervalouslie preseruit and mair meruelouslie deliuerit fra the bondage and tyrannie of Pharao To thame he gaif his lawis constitutionis and ceremoneis Thame he possessit in the land of Canaan To thame efter Jugeis and efter Saule he gaif Dauid to be kyng To quham he maid promiseis that of the frute of his loynis sould ane sitt for euer vpoun his regall saitt To this same peple fra tyme to tyme he send Propheitis to reduce them to the rycht way of thair God fra the quhilk oftin tymes thay declynit be Idolatrie And albeit for their stubburne contempt of Justice he was compellit to gif thame in the handis of thair enemeis as befor was threatnit be the mouth of Moyses in sa mekill that the haly cite was distroyt the Temple brynt with fyre and the hail land left desolat the space of sevintie yeiris yit of mercy did he reduce thame agane to Jerusalem quhair the citeie and tempill war reedifeit and thay aganis all temptatiounis and assaultis of Sathan did abyde till the Messias came according to the promiseis

## OFF the incarnatioun of Chryst Jesus

QUHAN the fulnes of tyme came God send his Sone his eternall wisdome the substance of his awin glorie in this warlde quha tuik the nature of manheid of the substance of a woman to witt of a Virgine and that be the operation of the halie Gaist and sa was borne the iust seid of Dauid the Angell of the greit counsell of God the verray Messias promesit quham we acknawlege and confess Emanuell verray God and verray man twa perfyte naturis vnitit and Joynit in ane persone Be quhilk our confessioun we dampne the dampnabill and pestilent heresyis of Arrius Marcion Eutiches Nestorius and sic vtheris as outhir deny the eternitie of his Godheid or the veritie of his humane nature or confound thame or yit deuide thame

## QUHY it behovit the mediator to be verray God and verray man

WE acknawlege and confess that this maist wonderous coniunctioun betuix the Godheid and the manheid in Christ Jesus did proceid fra the eternall and immutabill decre of God quhence alsua our saluatioun springis and dependis

## ELECTIOUN

FOR that samyn eternall God and father quha of meir mercy electit ws in Christ Jesus his sone befor the fundatioun of the warld was laid appointit him to be oure heid our brother our pastor and greit Biscope of our saulis Bot becaus that the enimitie betuix the Justice of God and our synnis was sick that na flesche be it self could or mycht haue attenit vnto God It behovit that the sone of God sould discend vnto ws and tak himself ane body of our body flesche of our flesche and baneis of our baneis And sua became the perfyte mediatour betuix God and man Geuing power to sa mony as beleif in him to be the sonis of God as himself dois witness I pas vp to my father and vnto your father to my God and vnto youre God Be quhilk maist halie fraternitie quhatsaueir we haue tint in Adam is restoirit to ws agane And for this cause ar we not affrayit to call God oure father Not samekill in that he hes creatit ws (quhilk we haue commoun with the reprobis) as for that he hes geuin to ws his onlie sone to be our brother and geuin vnto ws grace to acknawlege and embrace him for our onlie mediatour as befor is said It behuifit farther the Messias and redemer to be verray God and verray man becaus he was to vnderly the punischement dew for our transgressiounis and to present him self in the presence of his fatheris Jugement as in oure persone to suffer for our transgressioun and inobedience be deith to ouercum him that was author of deith Bot becaus the onlie Godheid could not suffer deith nouthir yit could the onlie manheid ouercum the same he Joynit baith togidder in ane persone that the imbecilitie of the ane sould suffer and be subiect to deith (quhilk we had deseruit) and the Infinite and Inuincibill power of the vther to wit of the Godheid sould tryvmpe and purchess till ws lyfe libertie and perpetuall victorie and sa we confess and maist vndoutitlie beleif

## CHRYSTIS death passioun buriall &amp;c

THAT our Lord Jesus chryst offerit him self ane voluntarie sacrifice vnto his Father for ws that he sufferit contradictioun of synnaris that he was woundit and plaguit for our transgressiounis that he being the clene and Innocent lamb of God was dampnit in the presence of ane erthlie Juge that we mycht be absolut befor the tribunall sait of our God That he sufferit not onlie the cruell deith of the croce (quhilk was accursit be the sentence of God) bot alsua that he sufferit for a sesoun the wraith of his father quhilk synnaris had deseruit Bot yit we awow that he remanit the onlie weilbelouit and blissit sone of his father euin in the middis of his anguische and torment quhilk he sufferit in body and saul to mak the full satisfactioun for the synnis of his peple Efter the quhilk we confess and avow that thair remanis na vther sacrifice for sinnis quhilk gif any affirme we na thing dowl to avow that thay ar blasphemaris against Christis deith and the euerlasting purgatioun and satisfactioun purchessit till ws be the samyn

## RESURRECTION

WE vndoutitlie beleif that in sa mekill as it was impossibill that the dolouris of deith sould reteine in bondage the author of lyfe That our Lord Jesus chryst crucifeit deid and buryit quha descendit into hell did ryse agane for our Justificatioun and distroying of him quha was the author of deith brocht lyfe agane to vs that wer subiect to deith and to the bondage of the same We know that his resurrectioun was confirmit be the testimonie of his verray enemeis Be the resurrectioun of the deid quhais sepulturis did oppin and thay did aryse and apperit to mony within the cite of Jerusalem It was alswa confirmit be the testimonie of his Angellis and be the senses and Jugementis of his Apostleis and of vtheris quha had conuersatioun and did eit and drink with him efter his resurrectioun

## ASCENSION

WE nathing dowt bot that the self samyn body quhilk was borne of the virgine was crucifeit deid and bureit and quhilk did ryse agane did ascend into the heuinis for the accomplisment of all thingis quhar in our namies and for oure confort he hes ressauid all power in heuin and in eird quhair he sittis at the rycht hand of the father inaugurate in his kingdome aduocate and onlie mediatour for ws quhilk glorie honour and prerogatiue he allaine amangis the brethren sall possess till that all his enemyes be maid his futatule As that we vndoutitlie beleif thay salbe in the finall Jugement to the executioun quhair of we certantie beleif that the same oure Lord Jesus sall visibillie returne as that he was sene to ascend And than we firmlie beleif that the tyme of refrescheing and restitutioun of all thingis sall cum Insamekill that thay that fra the beginning haue sufferit violence iniurie and wrang for rychteousnes saik sall inheriet that blissit Immortalitie promesit fra the beginning Bot contrarywise the stubburne inobedient cruell oppressouris fylthie personis adulteraris and all sortis of vnfaithfull salbe cast in the dungeon of vtter darknes quhair thair worme sall not die nouthir yit thair fyre salbe extinguischeit The remembrance of the quhilk day and of the Jugement to be executit in the same is not onlie to vs ane brydill quhairby oure carnall lustis ar refranit bot alswa sic inestimabill confort that nouthir may the threatning of warldlie princeis nouthir yit the feir of temporall deith and present danger move vs to renunce and forsak that blissit societie quhilk we the memberis haue with our heid and onlie mediatour Christ Jesus quhome we confess and awow to be the Messyas promesit the onlie heid of his kirk oure Just lawgevar our onlie hie Preist aduocat and mediatour In quhilk honouris and offices gif man or angell presume to intruse thame selfis we vtterlie detest and abhore thame as blasphemous to oure souerane and supreamme gouernour Christ Jesus

## FAITH in the haly Gaist

THIS our faith and the assurance of the same procedis not fra flesche and blude that is to say fra na naturall poweris within ws bot is the inspiratioun of the haly gaist quhome we confess god equall with the father and with the Sone quha sanctifyis ws and bringis ws in all veritie be his awin operatioun without quhome we sould remane for euer enemeis to god and ignorant of his sone Christ Jesus ffor of nature we ar sa deid sa blind and sa peruerst that nouthir can we feill quhan we are prickit se the lycht quhan it schynes nor assent to the will of God quhan it is reuelit vnles the spreit of the lord Jesus quickin that quhilk is deid remoue the darknes fra our myndis and bow our stubburne hartis to the obedience of his blissit will And sa as we confess that god the father creatit ws quhan we war not as his sone our lord Jesus redemit ws quhan we war ennemeis to him sa alswa do we confess that the haly gaist dois sanctifie and regenerat ws without all respect of ony merite proceding fra ws be it befor or be it efter our regeneratioun To speik this ane thing yit in mair plaine wordis as we willinglie spoyle our selfis of all honour and gloir of our awin creatioun and redemptioun sa do we alswa of our regeneratioun and sanctificatioun ffor of our selfis we ar not sufficient to think ane gude thocht bot he quha hes begun the gude work in ws is onlie he that continewis ws in the same to the praise and glorie of his vnderuit grace

## THE cause of gude warkis

SA that the cause of gude warkis we confess to be not our fre will bot the spreit of the lord Jesus quha dwelling in our hartis be trew faith bringis furth sic gude warkis as god has preparit for ws to walk into ffor this we maist bauldlie affirme that blasphemie it is to say that Christ Jesus abydis in the hartis of sic as in quhame thair is na spreit of sanctificatioun And thairfoir we feir not to affirme that murtheraris oppressouris cruell persecutaris adulteraris bure mungaris fylthie personis Idolateris drunkardis theuis and all wirkaris of iniquitie haue nouthre trew faith nouthre ony portioun of the spreit of sanctificatioun quhilk proceidethe fra the lord Jesus sa lang as thay obstinatlie continew in thair wickitnes ffor how sone that euer the spreit of the Lord Jesus (quhilk Goddis elect children ressaif be trew fayth) takis possessioun in the hart of ony man sa sone dois he regenerat and renew the same man Sa that he beginnis to hait that quhilk befoir he luifit and beginnis to luif that quhilk befoir he hatit And fra thine cumis that continewall battell quhilk is betuix the flesche and the spreit in goddis children whill the flesche and naturall man (according to the awin corruptioun) lustis for thingis plesing and delectabill vnto the self grudgeis in aduersitie is liftit vp in prosperitie and at euerie moment is prone and reddy to offend the Maiestie of god Bot the spreit of god quhilk geuis witnessing till our spreit that we ar the sonis of god makis vs to resist the dewill to abhorr fylthie plesouris to graine in goddis presence for deliuerance fra this bondage of corruptioun and finallie to triumphe ouer syne that it regne not in our mortall bodyis This battell hes not the carnall men being destitut of Goddis spreit bot dois follow and obey syne with gredines and without repentance euin as the deuill and thair corrupt lustis do prick thame Bot the sonis of God (as befoir was said) dois fecht aganis syne dois sobb and murne quhan thay perceave thame selfis temptit to inquite and gif thay fall thay ryse agane with ernist and vnfenyeit repentance And thir thingis thay do not be thair awin power bot be the power of the lord Jesus without quhome thay wer habill to do nathing

## QUHAT warkis ar reputit gude befoir God

WE confess and acknowlege that god hes geuin to man his haly law in quhilk not onlie ar forbyddin all sic warkis as displeise and offend his godlie maiestie bot als wa ar commandit all sic as pleise him and as he hes promysit to rewaird And thir warkis be of twa sortis The ane ar done to the honour of god the vther to the profite of our nychtbouris and baith haue the reueillit will of God for thair assurance To haue ane God to wirschip and honour him to call vpon him in all our troublis reuerence his haly name to heir his word to beleif the same to communicate with his haly sacramentis ar the warkis of the first tabill To honour father mother princes rewlaris and superiour powaris to luif thame to supporte thame ye to obey thair chargeis (not repugning to the commandement of God) to saif the liues of innocentis to repress tyrannie to defend the oppressit to keip our bodyis cleine and haly to liue in sobernes and temperance to deall Justlie with all men baith in worde and deid and fynallie to repress all appetyte of our nychtbouris hurt ar the gude warkis of the second tabill quhilk ar maist plesing and acceptabill vnto god as thir warkis that ar commandit be him self The contrarie quhairof is syne maist odious quhilk alwayis displesis him and prouokis him to anger As not to call vpon him allaine quhan we haue neid not till heir his word with reuerence to contempne and despyse it to haue or to wirschip Idolis to mantaine and defend Idolatrie lychtlie to esteime the renerent name of god to prophaine abuse or contempne the sacramentis of Christ Jesus to disobey or resist ony that god hes placit in authoritie (quhill thay pas not ouer the boundis of thair office) to murther or to consent thairto to beir hatrent or to suffer innocent blude to be sched gif we may withstand it And fynallie the transgressioun of ony vther commandement in the first or second tabill we confess and affirme to be syne by the quhilk goddis hait displesoure is kendlit aganis the proude and vnthankfull world Sa that gude warkis we affirme to be thir onlie that ar done in faith and at goddis commandement quha in his law hes expressit quhat the thingis be that pleise him And euill warkis we affirme not onlie thir that ar expressitlie done aganis goddis

commandement bot thir alsua that in materis of Religioun and wirschipping of God hes na vther assurance bot the inuentioun and opinioun of man quhilk god fra the beginning hes euer reiectit as be the propheet Esay and be our maister Christ Jesus we are taucht in thir wordis In vaine do thay wirschip me teicheing the doctrinis the preceptis of men

#### THE perfectioun of the Law and imperfectioun of man

THE Law of God we confess and acknowlege maist Just maist equall maist haly and maist perfyte commanding thir thingis quhilk being wrocht in perfectioun wer habill to gif lyfe and habill to bring man to eternall felicitie Bot our nature is sa corrupt sa waik and sa vnperfyte that we ar neuer habill to fulfill the warkis of the law in perfectioun Yea gif we say we haue na syne euin efter we ar regenerat we dissaif our selfis and the veritie of god is not in ws And thairfor it behuifit vs to apprehend Christ Jesus with his Justice and satisfacioun quha is the end and accomplisment of the law to all that beleve be quhome we ar set at this libertie that the curas and maledictioun of god fall not vpon ws albeit we fulfill not the same in all pointis ffor God the father behalding ws in the body of his sone Christ Jesus acceptis oure imperfyte obedience as it wer perfyte and coueris our warkis quhilk ar defylit with mony spottis with the Justice of his sone We do not mene that we are so set at libertie that we aw na obedience to the law (for that befor we haue plainly confessit) But this we affirme that na man in eird (Christ Jesus onlie except) hes geuin geuis or sall giue in work that obedience to the law quhilk the law requyreth Bot quhan we haue done all thingis we man fall downe and vnfeneitlie confess that we ar vuprofitabil seruandis And thairfor quhasaeuer bostis thame selfis of the meritis of thair awin warkis or put thair traist in the warkis of supererogatioun boist them selfis of that quhilk is nocht and put thair traist in dampnabill Idolatrie

#### Of the Kirk

AS we beleif in ane god father sone and haly gaist so do we maist constantly beleif that fra the beginning thair hes bene now is and to the end of the world salbe ane Kirk that is to say ane cumpany and multitude of men chosin of God quha rychtly wirschip and embrace him be trew fayth in Christ Jesus quha is the onlie heid of the same kirk quhilk alsua is the body and spous of Christ Jesus quhilk kirk is catholick that is vniuersall because it contenis the elect of all aiges all Realmis natiounis and tounis be thay of the Jewis or be thay of the gentiles quha haue communicioun and societie with god the father and with his sone Christ Jesus throucht the sanctificatioun of his holy spreit and thairfor it is callit the communicioun (not of prophaine persounis) bot of sanctis quha as citizenis of the heuinlie Jerusalem haue the fruitioun of the maist inestimabill benefitis to wit of ane God ane lord Jesus ane faith and of ane Baptisme out of the quhilk Kirk thair is nouthir lyfe nor eternall felicitie And thairfor we vtterlie abhorre the blasphemie of thame that affirme that men quhilk liue according to equitie and Justice salbe sauit quhat Religioun that euer thay haue professit ffor as without Christ Jesus thair is nouthir lyfe nor saluation sa sall thair nane be participant thair of bot sic as the father hes geuin vnto his sone Christ Jesus and thay that in time cum vnto him awow his doctrine and beleif into him (we comprehend the children with the faithful parentis) This kirk is inuisibill knawin onlie to god quha allaine knawis quhom he hes chosin and comprehendis asweill (as said is) the elect that be departit (commounlie callit the kirk triumphant) and thay that yit liue and fecht aganis syne and Sathan as sall liue heirefter

#### THE immortalitie of the saulis

THE elect departit ar in peice and rest fra thair laubouris not that thay sleip and cum to a certaine obliuion (as sum fantastickes do affirme) bot that they ar deliuerit fra all feir and torment and all temptatioun to quhilk we and all goddis elect ar subiect in this lyfe and thairfor do beir the name of the kirk militant As contrary-

wise the reprobat and vnfaithfull departit haue anguische torment and paine that can not be expressit Sa that nouthar ar the ane nor the vther in sic sleip that thay feill not Joy or torment as the parabill of Christ Jesus in the 16 of Luik his wordis to the theif and thir wordis of the saulis crying vnder the altar O lord thow that art rychteous and Just how lang sall thow not reuenge our bluid vpon thir that dwellis in the eird dois testife

Of the notis by the quhilk the trew Kirk is decernit fra the  
fals and quha salbe iuge of the doctrine

BECAUSE that Sathan fra the beginning hes laubourit to deck his pestilent synagog with the tytle of the kirk of god and hes inflamit the hartis of cruell murtheraris to persecute troubill and molest the trew kirk and memberis thair of as Cain did Abell Ismaell Isaak Esau Jacob and the haille preistheid of the Jewis Christ Jesus him self and his Apostillis efter him It is ane thing maist requysite that the trew kirk be decernit fra the fylthie synagogis be cleir and perfyte notis leist we being dissautt ressaif and embrace to our awin condempnatioun the ane for the vther The notis signis and assurit takinis quhairby the immaculat spous of Christ Jesus is knawn fra the horribill harlat the kirk malignant we affirme ar nouthar antiquitie tytles vsurpit lineall discente place appointit nor multitude of men approuing ane error for Cain in aige and tytles was preferrit to Abel and Seth Jerusalem had prerogatiue abone all places of the eird quhair alswa wer the preistis liniallie descendit fra Aaron and greiter number followit the scribes phariseis and priestis than vnfenyeitlie beleuit and approuit Christ Jesus and his doctrine and yit (as we suppose) na man of sound Jugement will grant that ony of the foirnamit war the kirk of god The notis thairfoir of the trew kirk of god we belief confess and awow to be first the trew preiching of the worde of god into the quhilk god hes reuelit him self vnto vs as the wrytingis of the prophetis and apostillis dois declair Secundly the rycht administratioun of the sacramentis of Christ Jesus quhilk man be annexit vnto the worde and promiseis of god to seill and confirme the same in our hartis Last ecclesiasticall discipline vprichtlie ministerit as goddis worde prescribis quhairby vice is repressit and vertew nurischit Quhairsauer than thir former notis ar sene and of ony tyme continew (be the number neuer sa few aboue twa or thre) thair without all dout is the trew kirk of Christ quha according to his promiseis is in the middis of thame Not that vniuersall of quhilk we haue befoir spokin bot particular sic as was in Corinthus Galatia Ephesus and vtheris placis in quhilk the ministerie was plantit be Paull and wer of him self namit the kirkis of god And sic kirkis we the inhabitantis of the Realme of Scotland professouris of Christ Jesus professis our selfis to haue in our cieteis townis and placis reformatit for the doctrine taucht in our kirkis is contenit in the written worde of god to wit in the buikis of the auld and new testamentis in thay buikis we mene quhilk of the ancient haue bene reputit canonical In the quhilk we affirme that all thingis necessarie to be beluit for the saluatioun of mankynde is sufficientlie expressit The interpretatioun quhair of we confess nouthar appertenis to priuate nor publict persoun nouthar yit to ony kirk for ony preeminence or prerogatiue personalle or locale quhilk ane hes abone ane vther bot appertenis to the spreit of god be the quhilk alswa the scripture was written Quhan contrauersie than happinnis for the rycht vnderstanding of ony place or sentence of Scripture or for the reformatioun of ony abuse within the kirk of god we aucht not sa mekle to luik quhat men befoir ws haue said or done as vnto that quhilk the haly gaist vniformly speikis within the body of the scripturis and vnto that quhilk Christ Jesus him self did and commandit to be done ffor this is ane thing vniuersallie grantit that the spreit of god quhilk is the spreit of vnitie is in nathing contrarious vnto him self gif than the interpretatioun determinatioun or sentence of ony doctor kirk or counsall repugne to the plaine worde of god written in ony vther place of the scripture It is a thing maist certaine that thair is not the trew vnderstanding and mening of the haly gaist althocht that counsallis realmes and nationis haue approued and ressaute the same for we dar not ressaue nor admit ony interpretatioun quhilk repugnis to ony principall point of our faith or to ony vther plaine text of Scripture or yit vnto the reule of cheritie

## THE authoritie of the Scripturis

AS we beleue and confess the scripturis of god suffioient to instruct and mak the man of god perfyte so do we affirme and awow the authoritie of the same to be of god and nouthur to depend on men nor angellis we affirme thairfoir that sic as allege the scripture to haue na vther authoritie bot that quhilk it hes ressauit from the kirk to be blasphemous aganis god and iniurious to the trew kirk quhilk alwayis heiris and obeyis the voce of hir awin spous and pastour bot takis not vpon hir to be maistres ouer the samin

## Of Generall counsellis of thair power authoritie and cause of thair conuentioun

AS we do not raschely dampne that quhilk godlie men assemblit togidder in generall counsell lauchfullie gadderit haue proponit vnto ws sa without Just examinatioun dar we not ressaue quhatsauer is obtrudit vnto men vnder the name of generall counsellis for plane it is as thay wer men sa haue sum of thame manifestlie errit and that in materis of greit wecht and importance Sa far than as the counsell preuis the determinatioun and commandement that it geuis be the plane worde of god sa far do we reuerence and embrace the same Bot gif men vnder the name of a counsell pretend to forge vnto ws new articlis of our faith or to mak constitutionis repugning to the worde of god than vtterlie we man refuse the same as the doctrine of deuillis quhilk drawis our saulis fra the voce of our onlie God to follow the doctrines and constitutionis of men The caus than quhy that generall counsellis conuenit was nouthur to mak ony perpetuall law quhilk god befoir had not maid nouthur yit to forge new articlis of our beleif nor to gif the word of God authoritie mekle les to mak that to be his word or yit the trew interpretatioun of the same quhilk was not befoir be his haly will expressit in his worde bot the cause of counsellis (we mene of sic as merite the name of counsellis) was partlie for confutatioun of heresies and for geuing publict confessioun of thair faith to the posteritie following quhilk baith thay did be the authoritie of goddis writtin worde and not be ony opinioun or prerogatiue that thay culd not erre be ressoun of thair generall assembleie And this we Juge to haue bene the chief caus of generall counsellis The vther was for gude policie and ordour to be constitut and obseruit in the kirk in quhilk (as in the house of God) it becumis all thingis to be done decentlie and into ordour Not that we think that ane polecie and ane ordour in ceremonies can be appointit for all aiges tymes and places for as ceremonies (sic as men haue deuysit) ar bot temporall so may and aucht thay to be changeit quhan thay rather foster superstitioun than that thay edifie the kirk vsing the same

## Of the sacramentis

AS the fatheris vnder the law besydis the veritie of the sacrificis had twa chief sacramentis to wit circumcisioun and the passower the dispyseris and contempnaris quhairof war not reputit for goddis peple Sa do we acknowlege and confess that we now in the tyme of the Euangell haue twa cheif Sacramentis onlie institut be the Lord Jesus and commandit to be vsit of all thay that will be reputit memberis of his body To wit baptisme and the supper or table of the Lord Jesus callit the communion of his body and his blude And thir sacramentis (asweill of the auld as of the new testament) war institut of God not onlie to mak ane visibill difference betuix his peple and thay that war without his leigwe bot alsua to exerce the faith of his children and be participatioun of the same sacramentis to seill in thair hartis the assurance of his promeis and of that maist blissit coniunctioun vnioune and societie quhilk the elect haue with thair heid Christ Jesus And thus we vtterlie dampne the vanitie of those that affirme sacramentis to be nathing ellis bot nakit and bair signes Na we assuritie beleif that be Baptisme we ar ingrafit in Christ Jesus to be maid partakaris of his Justice be quhilk our sinnis ar couerit and remittit And alsua that in the supper rychtlye vsit Christ Jesus is sa Joynit with ws that he becumis the verray nurishment and fude of our saulis Not that we imagine ony transubstantiatioun of breid in christis naturall body and of wyne in his naturall blude (as the papistis haue perniciously taucht and dampnable beleuit) bot this vnioun and coniunctioun quhilk we haue with the body

and blude of christ Jesus in the rycht vse of the sacramentis Is wrocht be operationu of the haly gaist quha by trew faith caryis ws aboue all thingis that ar visibill carnall and eirdly and makis ws to feid vpoun the body and blude of Christ Jesus quhilk was anis brokin and schedd for ws quhilk now is in the heuin and appeiris in the presence of his father for ws And yit notwithstanding the far distance of place quhilk is betuix his bodie now glorifyit in the heuin and ws now mortall in this eird yit we most assuritlie beleif that the breid quhilk we brek is the communion of christis body and the coup quhilk we bliss is the communion of his blude sa that we confess and vndoutitlie beleif that the faithfull in the rycht vse of the lordis table do sa eit the body and drinke the blude of the Lord Jesus that he remanis in thame and thay in him Yea thay ar sa maid flesche of his flesche and bane of his banis that as the eternall godheid hes geuin to the flesche of christ Jesus (quhilk of the awin condition and nature was mortall and corruptibill) lyfe and immortalitie sa dois christ Jesus his flesche and blude eit in and drunke be ws gif vnto ws the same prerogatiues Quhilk albeit we confess ar nouthir geuin vnto ws at that tyme onlie nouthir yit be the proper power and vertew of the sacramentis onlie yit we affirme that the faithfull in the rycht vse of the lordis table hes coniunctioun with christ Jesus as the naturall man can not comprehend yea and farther we affirme that albeit the faithfull oppressit be negligence and manlie infirmitie dois not profite sa mekle as thay wald in the verray instant actioun of the supper yit sall it efter bring furth frute as liuely seid sawin in gude ground For the haly spreit quhilk can neuer be deuydit fra the rycht institution of the Lord Jesus will not frustrat the faithfull of the frute of that mystical actioun bot all this we say cumis of trew faith quhilk apprehendis christ Jesus quha onlie makis his sacramentis effectuell vnto ws And thairfoir quhasaueuer sclanderis ws as that we affirmit or beleuit sacramentis to be onlie nakit and bair signis do Iniurie vnto ws and speikis aganis the manifest treuth Bot this liberallie and franklie we confess that we mak ane distinctioun betuix christ Jesus in his eternall substance and betuix the elementis in the sacramentall signis Sa that we will nouthir wirschip the signis in place of that quhilk is signifyit be thame nouthir yit do we dispyse and interpret thame as vnprofitabill and vaine bot do vse thame with all reuerence examining our selfis diligentlie befor that sa we do becaus we ar assurit be the mouth of the Apostle that sic as eit of that breid and drink of that coup vnworthely ar gyltie of the body and of the blude of christ Jesus

#### Of the rycht administratioun of the Sacramentis

THAT Sacramentis be rychtliche ministrat we Juge twa thingis requysite The ane that thay be ministrat be lauchfull Ministeris quhome we affirme to be onlie thai that ar appointit to the preiching of the worde into quhais mouthis God has put sum Sermon of exhortation thay being men lauchfullie chosin thairto be sum kirk The vther that thay be ministrat in sic elementis and in sic sorte as God hes appointit ellis we affirme that thay cease to be rycht sacramentis of Christ Jesus And thairfoir it is that we flee the societe with the papistickal kirk in particiatioun of thair sacramentis first because thair Ministaris ar na Ministaris of christ Jesus yea (quhilk is mair horrible) thay suffer wemen quhome the haly gaist will not suffer to teiche in the congregatioun to baptise And secundlie becaus thay haue sa adulterat baith the ane sacrament and the vther with thair awin inuentiounis that na pairt of christis actioun abydis in the originall puritie For oyle salt spattill and sic lyke in baptisme ar bot mennis inuentiounis adoratioun veneratioun beiring throucht streittis and townis and keiping of breid in boxis or bvistis ar prophanatioun of christis sacramentis and na vse of the same For christ Jesus said tak eit &c. do ye this in remembrance of me Be quhilk wordis and charge he sanctifyit breid and wyne to be the sacrament of his halie body and blude to the end that the ane sould be eit in and that all sould drink of the vther and not that thay sould be keipit to be wirschippit and honourit as God as the papistis haue done heirtfoir Quha alsua haue committit sacrilege steilling fra the peple the ane pairt of the sacrament to wit the blissit coupe Mairouer that the sacramentis be rychtliche vsit it is requyrit that the end and cause quhy the sacramentis war Institute be vnderstand and obseruit asweill of the minister as of the ressaueis For gif the opinioun be changit in the ressaueis the rycht vse ceissis quhilk is maist eident

be the reiectioun of the sacrifices as alsua gif the teicher plainly teiche fals doctrine quhilk war odious and abominabill befor god (albeit thay war his awin ordinance) becaus that wickit men vse thame to ane vther end than god hes ordenit The same affirme we of the sacramentis in the papisticall kirk in quhilk we affirme the hail action of the Lord Jesus to be adulterat alsweill in the externall forme as in the end and opinioun Quhat Christ Jesus did and commandit to be done is euident be the Euangelistis and be sanct Paull quhat the preist dois at his altare we neid not to reherse The end and caus of christis institutioun and quhy the self same could be vsit is expressit in thir wordis do ye this in remembrance of me als oft as ye sall eit of this breid and drink of this coup ye sall schaw furth (that is extoll preiche magnifie and praise) the Lordis death till he cum Bot to quhat end and in quhat opinioun the preistis say thair Mes lat the wordis of the same thair awin Doctouris and wrytingis witness To wit that thay as mediatouris betuix christ and his kirk do offer vnto god the fater a sacrifice propiciatorie for the synnis of the quicke and the deid Quhilk doctrin as blasphemous to christ Jesus and making derogatioun to the sufficiencie of his onlie sacrifice anis offerit for purgatioun of all thay that salbe sanctifyt we vtterlie abhor detest and renunce

#### To quhome Sacramentis appertene

WE confess and acknowlege that Baptisme appertenis asweill to the infantis of the faithfull as vnto thame that be of aige and discretioun And sa we dampne the errour of the Anabaptistis quha denyis Baptisme to appertene to children befor that thay haue faith and vnderstanding Bot the supper of the Lord we confess to appertene to sic onlie as be of the houshold of faith and can try and examyn thame selfis alsweill in thair faith as in thair dewitie towardis thair nichtbouris Sic as eit and drink at that haly table without fayth or being at discention and diuision with thair brethren do eit vnworthely And thairfor it is that in our kirk our Ministeris tak publick and particulare examinatioun of the knowlege and conuersatioun of sic as ar to be admittit to the table of the Lord Jesus

#### Or the ciuile Magistrat

WE confess and acknowlege Empyris Kingdomis dominiounis and citeis to be distinctit and ordenit be God the poweris and authoritie in the same (be it of Emperouris in thair Empyris of Kingis in thair Realmis Dukis and Princes in thair dominiounis and of vtheris Magistratis in fre citeis) to be goddis haly ordinance ordenit for manifestatioun of his awin glorie and for the singular profite and commoditie of mankynde sa that quhasaeuer gangis about to tak away or to confound the hail state of ciuile policeis now lang etablischit we affirme the same men not onlie to be enemeis to mankynde bot alsua wickitlie to fecht againis goddis expressit will We farther confess and acknowlege that sic personis as ar placit in authoritie ar to be luift honourit feirit and baldin in maist reuerend estimatioun becaus that thay ar the lieutenantis of god in quhais sessiounis god him self dois sit and Juge (ye euin the Jugeis and Princes thame selfis) to quhome be God is geuin the sworde to the praise and defence of gude men and to reuenge and punische all oppin malefactouris Mairouer to Kingis Princes rewlaris and magistratis we affirme that cheiflie and maist principallie the conseruatioun and purgatioun of the Religioun appertenis sa that not onlie thay ar appointit for ciuile policie bot alsua for maintenance of the trew religioun and for suppressing of Idolatrie and superstitioun quhasaeuer As in Dauid Josaphat Ezechias Josias and vtheris heichly commendit for thair zeall in that cause may be espyit And thairfor we confess and awow that sic as resist the supreme power (doing that thing quhilk appertenis to his charge) do resist goddis ordinance And thairfor can not be guiltless And farther we affirme that quhasaeuer denyis vnto thame thair ayde counsell and confort quhyllis the Princes and rewlaris vigilantlie trawail in execution of thair office that the same men deny thair help supporte and counsell to God quha be the presence of his lieutenant dois craif it of thame

## THE giftis frelie geuin to the Kirk

ALBEIT that the worde of god trewlie preicheit and the sacramentis rychtlie ministerit and discipline executit according to the worde of god be the certane and infallibill signis of the trew kirk we mene not that euerie particulare person Joynit with sic ane cumpany be ane elect member of Christ Jesus For we acknowlege and confess that dornell cockell and caffie may be sawin grow and in greit abundance ly in the middis of the quheit That is the reprobate may be Joynit in the societie of the elect and may externallie vse with thame the benefitis of the word and sacramentis Bot sic being bot temporall professouris in mouth bot not in heart do fall back and continew not to the end And thairfor haue thay na frute of christis death resurrection nor ascensiou Bot sic as with heart vnfenyeitly beleif and with mouth bauldlie confess the Lord Jesus (as befor we haue said) sall maist assuritlie ressaif thir giftis First in this lyfe remissioune of synnis and that be faith onlie in Christis blude In sa mekle that albeit syne remane and continuallie abyde in thir our mortall bodyis yit it is not Imputit vnto ws bot is remittit and couerit with christis Justice Secundlie in the generall Jugement thair salbe geuin to euerie man and woman resurrection of the flesche For the sey sall gif hir dead the eird thay that thairin be inclosit yea the eternall our God sal streiche out his hand on the dust and the deid sall aryse vncorruptibill and that in the substance of the self same flesche that euerie man now beiris to ressaif according to thair warkis glorie or punischement For sic as now delyte in vanitie crueltie fylthines superstitioun or Idolatrie salbe adiugeit to the fyre vntancheabill In quhilk thay salbe tormentit for euer asweill in thair awin bodyis as in thair saulis quhilk now thay gif to serue the Deuill in all abhominatioun Bot sic as continew in well doing to the end bauldlie professing the Lord Jesus we constantlie beleif that thay sall ressaif glorie honour and immortalitie to regne for euer in lyfe euerlasting with Christ Jesus to quhais glorifyit body all his elect salbe maid lyke quhan he sall appeir agane in Jugement and sall rander vp the kingdome to god his father quha than salbe and euer sall remane in all thingis god blissit for euer To quhome with the sone and with the haly gaist be all honour and glorie now and euer So be it.

ARYSE o Lord and lat thy enemeis be confoundit lat thame flee fra thy presence that hait thy godly name Giue thy seruandis strenth to speik thy worde in baldnes and let all natiounis cleif to thy trew knowlege Amen

THIR ACTIS and articklis ar red in the face of Parliament and ratifyit be the thre estatis of this realme at edinburgh the seuintene day of August the yeir of God J<sup>M</sup> V<sup>O</sup> and thre scoir yeiris

## CAP. 2.

[Not in 12mo. edition.]

CONCERNING the iurisdiction and autoritie of the bischope of Rome callit the Paip IN the Parliament haldin at edinburgh the tent day of Julij the yeir of God J<sup>M</sup> V<sup>O</sup> lx yeiris and thairefter continewit to the first day of august nixt thaireftir following with continewatioun of dayis vpoun the twenty foir day of the said monethe of august The thre estatiss then being present vnderstanding that the Jurisdictione and autoritie of the bischope of Rome callit the paip vsit within this realme in tymes bipast hes bene verray hurtful and preiudiciall to our soueranis autoritie and commone weill of this realme Thairfor hes statute and ordanit that the bischope of Rome haif na Jurisdiction nor autoritie within this realme in tymes cuming And that nane of our saidis soueranis subiectis of this realme sute or desire in ony tyme heireftir title or rycht be the said bischope of Rome or his sait to ony thing within this realme vnder the panis of barratrye That is to say prescriptione banischement and neuir to bruke

honour office nor dignitie within this realme And the controvenaris heirof tobe callit befor the Justice or his deputis or befor the lordis of sessioun and pynist thairfoir conforme to the Lawis of this realme And the furnissaris of thame with fynance of money and purchessaris of thair title of rycht or manteanaris or defendaris of thame sall incur the same panis And that na bischop nor vther prelat of this realme vse ony Jurisdiction in tymes to cum be the said bischop of Romeis autoritie vnder the pane foirsaid

---

PARLIAMENT AT EDINBURGH, 4TH JUNE 1563.

## CAP. 3.

[1563, *cap.* 68.]

RATIFICATION of the act of King James IV. anent cruvis and  
fische dammis—with additioun

THE Quenis Maiestie and thre Estatis of this present Parliament ratifeis and appreuis the act maid be hir heines maist Nobill Gudschir King James the Feird of gude memorie of the quhilk the tenour followis ITEM it is statute and ordanit that all cruvis and fische dammis that ar within salt watters that ebbis and flowis be allutterlie destroyit and put downe alsweill thay that pertene to our Souerane Lord as vthers throw all the Realme And anent cruvis in fresche watters that thay be maid in sic largenes and sic dayis keipit as is contenit in the actis and statutis maid thairupone of befor with this additioun following That is to say that all cruvis and yairis that ar set of lait vpone sand and schauldis far within the watter quhair thay war not of befor that thay be incontinent tane downe and put away and the remanent cruvis that ar set and put vpone the watter sandis to stand still quhill the first day of October nixt tocum and incontinent efter the said first day to be destroyit and put away for euer . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (*S.L.R.*).]

---

CAP. 8.

[1563, *cap.* 72.]

## ANENT mansis and gleibis

ITEM Because it is vnderstandin to our Souerane Lady and thre Estatis of this Realme That the Persounis Vicaris and vthers Kirkmen within the samin hes set in few or lang takkis ane greit part of thair mansis and gleibis quhairthrow thair is na sufficient dwelling place for thame that seruiss and sould serue and minister at the kirkis to remane thairat for the instructioun of the parochinaris for remeid heirof It is statute and ordanit be our said Souerane Lady with the auise of the Estatis foirsaid that na persoun Vicar nor vther Ecclesiasticall persoun set in few or lang takkis ony of thair mansis or gleibis pertening to the said kirkis without speciall licence and consent of the Quenis grace in writ And alsua it is statute and ordanit That thay that ar appointit or to be appointit to serue and minister at ony Kirk within this Realme haue the principall mans of the persoun or Vicar or samekill thair of as salbe fundin sufficient for stauking of thame To the effect that thay may the better await vpone the charge appointit and to be appointit to thame quhidder the saidis gleibis be set in few or tak of befor or not or that ane ressonabill and sufficient hous be biggit to thame besyde the Kirk be the Persoun or Vicar or vthers hauand the saidis mans in few or lang takkis and this to be done betuix and the first day of Nouember nixt to cum And forther samekill land to be annexit to the said dwelling placis of thame that seruiss and ministeris at the Kirk as salbe heirefter with gude auisement appointit

## CAP. 17.

[1563, *cap.* 79.]

## ANENT the creatioun of notaris

ITEM Because our Souerane Ladyis liegis ar greitumlie hurt be vnworthy and in sufficient Notaris not qualifeit as effeiris to be in making of Instrumentis and vthers writtingis according to thair officis It is statute and ordanit be our Souerane Lady with the aulse of the thre Estatis that na persoun tak vpone hand to vse nor exerce the office of Notarie be na maner of creatioun to be maid in any tyme to cum fra this day further vnder the pane of deid without thay be maid and creat be the Quenis Maiesteis speciall letters and thairefter examinat and admittit be the Lordis of Sessioun and College of Justice quha sall tak thair aithis for dew and lauchfull vsing of the said office of Notarie and cause Register thair Signe and subscriptioun quhilk thay sall vse in all tymes efter thair said admissioun And gif ony persoun or persounis attemptis or dois in contrare heirop in creating or making Notaris or vsing of the said office vtherwayis nor said is thay salbe punist to the deid and thair Instrumentis nor notis to mak na faith

---

## ACTA PARLIAMENTORUM REGIS JACOBI SEXTI.

PARLIAMENT AT EDINBURGH, 15TH DEC. 1567.

CAP. 8.

[1567, *cap.* 8.]

ANENT the Kingis aith to be geuin at his Coronatioun

ITEM Because that the incres of vertew and suppressing of Idolatrie crauis that the Prince and the peple be of ane perfyte Religioun quhilk of Goddis mercie is now presentlie professit within this Realme Thairfor it is statute and ordanit be our Souerane Lord my Lord Regent and thre Estatis of this present Parliament that all Kingis and Princes or magistratis quhatsumener halding thair place quhilkis heirefter in ony tyme sall happin to Regne and beir reule ouer this Realme at the tyme of thair coronatioun and ressaith of thair princely authoritie mak thair faithfull promise be aith in presence of the eternall God that induring the hail cours of their lyfe thay sall serue the samin eternall God to the vttermaist of thair power according as he hes requyrit in his maist haly word reuelit and contenit in the new and auld Testamentis And according to the samin word sall mantene the trew Religioun of Jesus Christ the preicheing of his haly word and dew and ryche ministratioun of the Sacramentis now ressaift and preichit within this Realme And sall abolische and gainstand all fals Religioun contrare to the samin And sall reule the pepill committit to thair charge according to the will and command of God reuelit in his foirsaid word and according to the louabill Lawis and constitutionis ressaift in this Realme nawyse repugnant to the said word of the eternall God And sall procure to the vttermaist of thair power to the Kirk of God and haill cristiane pepil trew and perfyte peice in all tyme cuming The rychtis and rentis with all iust priuilegeis of the Crowne of Scotland to preserue and keip inuiolatit nouthir sal thay transfer nor alienat the samin Thay sal forbid and repres in all Estatis and degreis reif oppressioun and all kynde of wrang In all Jugementis thay sall command and procure that Justice and equitie be keptit to all creaturis without exceptioun as the Lord and father of all mercyis be mercifull to thame And out of thair landis and Empyre thay salbe cairfull to ruite out all Heretykis and enemeis to the trew worschip of God that salbe conuict be the trew Kirk of God of the foirsaidis crymis And that thay sall faithfullie affirme the thingis abone writtin be thair solempnit aith

CAP. 12.

[*Not in 12mo. edition.*]

ANENT the iurisdiction of the kirk

ITEM Anent the article proponit and geuin in be the Kirk to my Lord Regent and the thre Estatis of this present Parliament anent the iurisdiction iustlie appertening to the trew Kirk and immaculat spous of Jesus Christ to be declarit and expressit as the article at mair lenth is consauit The Kingis grace with aise of my Lord Regent and thre Estatis of this present Parliament hes declarit and grantit iurisdiction to

the said Kirk quhilk consistis and standis in preicheing of the trew word of Jesus Christ correctioun of maneris and administratioun of haly Sacramentis And declaris that thair is na vther face of Kirk nor vther face of Religioun than is presentlie be the fauour of God establischeit within this Realme And that thair be na vther iurisdiction ecclesiasticall acknowlegeit within this Realme vther than that quhilk is and salbe within the same Kirk or that quhilk flowis thairfra concerning the premissis . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*.)]

---

CAP. 15.

[1567, *cap.* 14.]

ANENT thame that committis incest

ITEM Forsamekle as the abhominabill vile and fylthie lust of incest is swa abhominabill in the presence of God and that the samin eternall God be his expres word hes condampnit the samin and yit nottheles the said vice is swa vsit within this Realme and the word of God is in sic sort contempnit be the vsaris thairof that God be his iust iugementis hes occasioun to plague the Realme quhair the said vice is committit (without God of his mercy be mair gracious and remeid be prouydit that the said vice ceis in tyme cuming) Thairfoir our Souerane Lord with auiise and consent of my Lord Regent and thre Estatis of this present Parliament statutis and ordanis that quhatsumeuer persoun or personis committeris of the said abhominabill cryme of incest that is to say quhatsumeuer person or personis thay be that abuis thair body with sic personis in degre as Goddis word hes expreslie forbyddin in ony tyme cuming as is contenit in the xvij Cheptour of Leuiticus salbe puneist . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*.)]

---

CAP. 16.

[1567, *cap.* 15.]

ANENT lauchfull mariage of the awin blude in degreit not  
forbyddin be Goddis worde

ITEM Our Souerane Lord with auiise and consent of my Lord Regent and thre Estatis of this present Parliament hes statute and ordanit that the haly band of mariage maid be all estatis and sortis of man and woman to be als lauchfull and als fre as the Law of God hes permittit the samin to be done without exceptioun of person or personis And has declairit and declairis that secundis in degreis of consanguinitie and affinitie and ali degreis outwith the samin contenit in the word of the eternall God and that ar not repugnant to the said word mycht and may lauchfullie marie at all tymes sen the viij day of Marche the yeir of God ane thousand fyue hundreth fyftie aucht yeiris notwithstanding ony Law statute or constitutionis maid in the contrare And ratifyis and appreuis all the saidis mariageis done sen the said day And the bairnis gottin or to be gottin in sic mariage to be als lauchfull als weill toward thair successioun to landis heritageis or ony vther liberteis as ony bairnis gottin in mariage and to be repute and estemit in all tyme to cum lauchfullie gottin in lauchfull mariage notwithstanding ony Lawis statutis constitutionis or Actis maid or to be maid in the contrare

## CAP. 22.

[1567, *cap.* 18.]

ANENT the supplicatioun geuin in be the Lordis of Sessioun for declaratioun in Parliament gif the saidis Lordis of Sessioun be Jugeis to ony infetment or gift grantit or confirmit in Parliament

ITEM Anent the petitioun proponit be the Senatouris of the Colledge of Justice beirand that thair is diuers personis that hes persewit actiounis befor thame for reductioun of infetmentis quhilkis ar confirmit be our Souerane Lordis predecessouris quibilkis ar grantit and confirmit in Parliament And aganis the samin it is allegeit that the saidis Senatouris ar nawyse Jugis competent to the reductioun of ony sic infetment Quhairfor the saidis Senatouris hes referrit the declaratioun quhiddir thay be Jugis competent to ony sic reductioun or not to our Souerane and thre Estatis of Parliament And thairfor desyring the censement and declaratioun of this present Parliament quhat thay sall do thairanent Our Souerane Lord with auisse of my Lord Regent and thre Estatis of this present Parliament declairis the saidis Senatouris of the Colledge of Justice to be Jugis competent to the reductioun of all sic infetmentis as said is notwithstanding quhatsumeuer confirmatioun or grant of Parliament past thairupon

## PARLIAMENT AT EDINBURGH, 26TH JANUARY 1572.

## CAP. 5.

[1572, *cap.* 48.]

## THE explanation of the act anent manses and gleibis

FORSAMEKLE as be ane act of parliament haldin and begun at edinburgh the ferd day of Junij the yeir of god ane thousand fyue hundreth thre scoir thre yeiris It wes statute and ordanit that na person vicar nor vther ecclesiasticall person suld set in few or lang takkis ony of thair Manses or gleibbis pertenyng to the kirkis And alsua that thay that war appoyntit or tobe appointit to serue and minister at ony kirk within this realme sould haue the principall manses of the persoun or vicar or samekle thairfor as sould be fund sufficient for stauking of thame To the effect that thai may the better await vpoun the charge appoyntit and tobe appointit to thame quhether the saidis gleibbis wer set in few or tak of befor or not or that ane ressonable and sufficient hous wer beigitt to thame besyde the kirk be the persoun or vicar or vtheris havand the saidis Manses in few or lang takkis And forder samekill land tobe annexit to the saidis duelling places of thame that seruiss and ministeris at the kirk as thair-after with gude advysement sould be appoyntit lyke as the said act at mair lenth proportis quhilk being in diuers poyntis doubtfull and incertane na gude executioun hes followit thairvpoun in tyme bipast And thairfor our souerane lord with auisse of my lord Regentis grace the thre estatis and hail body of this present parliament findis and declaris That the manses other pertening to the persoun or vicar maist ewest to the kirk and maist commodious for duelling pertenis and sall pertene to the minister or redar seruing at the same kirk Together with foure akers of land of the gleib at heist liand contigue or maist ewest to the said manse gif thair be samekill and failyeing thairfor samekill as thair is Tobe markit and speciallie designit be the archibischope bischope superintendent or commissioner of the diocie or province the tyme of thair nixt visitatioun be the aduise of ony tua of the maist honest and godlie of the parochinaris quhilkis thai sall require (not being possessouris of the saidis manses or gleibbis thame selfis) to Joyne with him in executioun heirof quhether the saidis manses and gleibbis be sett in few or takkis of befor or not and vpoun the said marking and designatioun The archibischope bischope superintendent or commiss-

sionar sall gif his testimoniall Bering how he with aulse of sic tua of the parochinaris hes visited the manses and gleib of sic a kirk and findis the same occupijt be sic personis And that thay haue appoyntit markit and designit the said manse with foure akaris or sic quantitie of land adiacent thairto to the vse of the minister or Redar that sall serue and minister at the said kirk in tyme cuming and vpoun the Minister or Redaris supplicatioun quhairwithall the said testimoniall salbe presentit to the lordis of counsall and sessioun lettres salbe direct Chargeing the occupiaris and possessouris of the saidis manses and akaris of land quhether the same be sett in few or takkis of befoir or not To remove desist and ceis thairfra and enter the said Minister or Redar to the possessioun of the samyn within ten dayis vnder the pane of Rebellioun And gif thai failyie To put thame to the horne And in caise thai be denuncit Captioun and vtheris executorialis according to the lawis and consuetudes of this realme tobe directit aganis thame Quhilkis Manse and akaris of land sa markit and designit as said is It sall not be lauchfull to the ministeris or redaris present or to cum to sell annalie sett in few or takkis or to put ony in the possessioun of the same In preiudice of thair successour Bot the same to remane alwayis fre to the vse and eisement of sic as salbe admittit to serue and minister at the said kirk . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 15.

[1572, *cap.* 54.]

ANENT the reparatioun of the Paroche Kirkis

FORSAMEKLE as thair was ane Act maid in the Parliament haldin in the Moneth of Junij the yeir of God ane thousand fyue hundreth thre scoir thre yeiris declarand that quhatsumeuer ordour suld be maid and set furth be the Lordis of secreit Counsall for vphalding and reparrelling of Kirkis and Kirkyairdis and the executioun to be declarit be thame thairupon to be sufficient and haue als greit strenth and effect as and the samin had bene expresly contenit in the said Act of Parliament as the samin at mair lenth proportis According to the quhilk ane Act of secreit Counsall was maid for the bigging mending and reparatioun of Paroche Kirkis of the dait at Striuling the xiiij day of September the yeir of God foirsaid Quhilk Act as yit hes not tane executioun in na place because of the sleuth and vnwillingnes of the Parochinneiris quhilkis war alaw and refusit to cheis persounis to taxt thair Nichtbouris and that alsua thair was not Kirkmaisteris or Deaconis appointit in the Parochinnis to ressaue the taxatioun appointit For remeid quhairof our Souerane Lord with aulse of my Lord Regentis grace the thre Estatis and haill body of this present Parliament ratefyis and approuis the foirsaidis Actis of Parliament and of secreit Counsall in all pointis . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

PARLIAMENT AT HOLYROODHOUSE, 30TH APR. 1573.

CAP. 1.

[1573, *cap.* 55.]

ANENT thame that diuertis fra vtheris being Joynit of befoir in lauchfull Mariage

IT is Fundin and declarit be our Souerane Lord my Lord Regentis grace the thre Estatis and haill bodie of this present Parliament That in all times bypast sen

the trew and Christiane Religioun was publictlie preichit awowit and establischt within this Realme namelie sen the Moneth of August the yeir of God ane thousand five hundreth threscoir yeiris It hes bene is and in all tyme cumming salbe lauchful That quhatsumeuer persoun or persounis Joynit in lauchfull Matrimonie husband or wife diuertis fra vtheris companie without ane ressonabill caus alledgeit or deducit befor ane Judge and remanis in thair malicious obstinacie be the space of four yeiris and in the meane time refusis all preuie admonitiounis The husband of the wife or the wife of the husband for dew adherence . . . . And in case na sufficient causis be alledgeit quhairfor na adherence suld be . . . . the malicious and obstinat defectioun of the partie offender to be ane sufficient caus of diuorse and the said partie offender to tyne and lois thair Tocher Et donationes propter Nuptias

[*In part rep.*, 6 Ed. 7 c. 38 (*S.L.R.*.)]

---

PARLIAMENT AT STIRLING, 15TH JULY 1578.

CAP. 6.

[1578, *cap.* 62.]

THE gleibis of the ministerie and redaris Salbe frie of thair teyndis

ITEM Anent the article proponit gif ministeris and redaris aucht and suld pay teynd for thair gleibis and kirklandis designit to thame conform to the act of parliament maid thairanent for answer thairto Oure souerane Lord with aduise and consent of the thrie estaittis of this present parliament ffindis and declaris that the saidis ministeris and redaris aucht and suld pay na teindis for thair saidis gleibis and kirklandis extending to four aikiris of Land designit to thame Conform to the said act Bot decernis and declaris thame to be frie of the saidis teyndis and dischargis thame simpliciter thair of in all tyme cuming

---

CAP. 11.

[1578, *cap.* 64.]

THE Ratificatioun of the preuilegis of burrowis with additioun

OURE souerane Lord with auise of his thrie estaittis of this parliament hes ratefeit and appreuit and be the tennour heirof Ratefeis and appreues of new all actis and constitutionis of parliament maid be quhatsumeuer our souerane Lordis predicesouris of befor in fauouris of the burrowis and burgesses of all this realme inhabitantis of the samyn with all preuelegis fredomes Immunitis and liberteis grantit and gevin to thame and euerie ane of thame and decernis and declaris the samin to haif full strenth force and effect in all tymes heirefter sua that the samyn may be putt to full and dew executioun in all pointtis and to stand as ane perpetuall law to thame and thair successouris with this additioun gevand thame fredome and preuelege to convene four tymes in the yeir for sic materis as concernis thair estait And that in quhat burgh it salbe thocht expedient to the maist part of the saidis burrowis Provyding alwayis for eschewing of tumultis that thair be present at the saidis conventionis for euerie burgh in nowmer ane except the toun of edinburgh to haif ane ma nor the vtheris burrowis

## CAP. 13.

[1578, *cap.* 66.]

ANENT dowbill confirmationis of fewis of kirklandis and Landis  
haldin Immediatlíe of our souerane Lord

FORSAMEKILL as it is statute and ordanit be act of parliament maid in our souerane Lordis derrest moderis tyme that na infetmentis of Kirk-Landis sett sen the aucht day of Marche The yeir of god J<sup>M</sup> V<sup>O</sup> lviii yeiris suld be of ony force or effect without the samin wer dewlie and lawchtfullie confermit be our souerane And als forsamekle as it happinnis that dowbill infetmentis of fewferme of ane portioun of landis gevin be ane ecclesiasticall persone to diuerse persones and sumtymes be diuerse ecclesiasticall persones To witt the predicessour and successour to diuerse personis in fewferme and yit nather of the saidis infetmentis can tak effect or be of awale without thay be dewlie and lawchtfullie confermit be our souerane Lord And alsua it is oftymes sene that confirmatioun is grantit of bayth the saidis diuerse infetmentis at diuers tymes be the sutes of the parteis Lyk as it is fundin be sindrie ordinances of the previe counsall that our souerane Lord and his hienes compositouris aucht not to deny his confirmatioun vpoun the ressonabill expenses of the pairtie sutand vpoun thair awin perrall And lykwayis diuerse alienationis of landis haldin Immediatlíe of our souerane Lord being maid be ane persone to diuerse persones dowbill confirmationis ar grantit be our souerane Lord thairto quhair as ane of the saidis confirmationis aucht and can only tak effect in all the causes abone speceffit And notwithstanding it is the occatioun of grite debait amangis the Liegeis to thair grite expenses alsweill in payment of thair compositionis as that the samin breidis occasioun of sic grite pley ffor remeid thairof it is concludit statute and ordanit be our souerane Lord and thrie estaittis of parliament quhasoeuir obtenis or hes obtenit the first confirmatioun of ony infetment ather of kirklandis or vther landis haldin of our souerane Lord That that first confirmatioun salbe of avail force and effect and sall prevail to the secund The said infetment quhilk is first confirmit being valiabill in the self and lawchtfullie maid And in this cais the last confirmatioun sall not be respectit albeit the samin conferme the first infetment Bot the first confirmatioun of the last infetment sall prevail to the last confirmatioun of the first infetment be way of exceptioun or replay without ony summondis or proces of reducioun It is alwayis prouidit that gif the principall infetment first confirmit for ony vther substantiall caus by the foirsaid confirmatioun be of nane avail or vnlawchtfullie maid to the preiudice of ony vther pairtie haiffand entres [to] the Landis thairin contenit and quha may be excludit be ressoun of the said first confirmatioun [the said] pairtie haiffand entres salbe hard to accuse or reduce the said infetment first confirmit or vtherwayis to mowe actioun aganis the samin as accordis of the law quhiddir thay haif obtenit confirmatioun of thair infetment or not It is alsua statute and ordanit that na dowbill confirmationis of Infetments of kirklandis or vtheris haldin of our souerane Lord be grantit heirefter and discharges the keparis of the Signet prewie and grite seillis That thai pas not dowbill confirmationis and gif the saidis dowbill confirmationis pas in tyme cuming Oure said souerane Lord with auise of his saidis thrie estaittis decernis and declaris the last confirmatioun to be of nane avail prouiding as is abone speceffit

## PARLIAMENT AT EDINBURGH, 20TH OCTOBER 1579.

## CAP. 6.

[1579, *cap.* 68.]

ANENT the trew and haly kirk and of thame declarit not to be of the same

OURE souerane lord with aise and consent of the thrie estaitis and haill body of this . . . . liament ratifeis and appreuis all and quhatsumeuir actis and statutis maid of befor be his hienes with aise . . . . regentis in his awin Regnne or his predecessouris anent the freidome and libertie of the trew kirk of god and religioun now presentlie professit within this realme And specialie ratifeis and apprevis the sext act of his hienes parliament haldin in the first yeir of his hienes Regnne intitulat Anent the trew and haly kirk and of thame that ar declarit not to be of the samyne Ordaning the same to be heir insert of new (becaus of sum defectioun and informalitie of wordis in default of the prentair) in this forme Oure souerane lord with aise of his thrie estaitis and haill body of this present parliament hes declarit and declaris the ministeris of the blissed euangel of Jesus chryst quhome god of his mercie hes now raisit vp amangis ws Or heirefter sall raise aggreing with thame that now levis in doctrine and administratioun of the sacramentis And the people of this realme that professis Jesus christ as he is now offerit in his evangell and do communicat with the haly sacramentis as in the reformat kirkis of this realme ar publictlie administrat according to the confessioun of the fayth To be the only trew and haly kirk of Jesus christ within this realme And decernis and declaris that all and sindrie quha vther gaynesayis the word of the evangell ressaut and appreuit As the heidis of the Confessioun of the fayth professit in parliament of befor in the yeir of 1560 As alsua specifijt and registrat in the actis of parliament maid in the first yeir of his hienes regnne mair particularlie dois expres ratifeit alsua and appreuit in this present parliament Or that refuses the participatioun of the haly sacramentis as they ar now ministrat To be na membris of the said kirk within this realme and trew religioun now presentlie professit sa lang as they keip thame selfis sa deuydit from the societie of christis body

## CAP. 7.

[1579, *cap.* 69.]

ANENT the iurisdiction of the kirk

OURE Souerane Lord with aduise of the thrie estaitis of this present parliament hes declarit and grantit Jurisdiction to the kirk Quhilk consistis and standis in the preacheing of the trew word of Jesus chryst correctioun of maneris and administratioun of the haly sacramentis And declaris that thair is na vther face of kirk nor vther face of religioun then is presentlie be the fauour of god establishit within this realme and that thair be na vther iurisdictione ecclesiasticall acknowlegit within this realme vther then that quhilk is and salbe within the samyne kirk or that quhilk flowis thairfra concerning the premises . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*.)]

## CAP. 8.

[1579, *cap.* 70.]

DISCHARGEING of mercattis and Labouring on sondayis or  
playing and drinking in tyme of sermone

ITEM fforsamekle as it is statute and ordanit be a gude and godlie act maid in the dayis of king James the fourt our souerane lordis grandschir of worthie memorie That

thair be na mercattis nor fairis haldin vpoun halydayis nor yit within kirkis or kirk-yairdis vpoun halydayis or vther dayis vndir the pane of escheating of the guidis Quhilk act our souerane lord and his thrie estaitis ratifeis and appreuis and ordanis the same to haue effect and executioun in tyme cummyng Ande seing that the sabbboth dayis ar now commounlie violat and brokin alsweill within burgh as to landwart to the greit dishonour of god be halding and keiping of the saidis mercattis and fairis on sondayis vsing of handy laubor and working thairon as on the remanent dayis of the oulk be gamyng and playing passing to tavernis and ailhouses and wilfull remaning fra the paroche kirk in tyme of sermone or prayers on the sonday Thairfoir his maiestie and his thrie estatis in this present parliament statutis and ordanis That thair be na mercattis nor fairis haldin vpoun the sonday nor yit within kirkis or kirkyairdis that day or ony vther day vndir the pane of eschaeting of the guidis to the vse of the puyr within the parochyne And siclike that na handy lauboring or winking be vsed on the sonday nor na gamyng and playing passing to tavernis and ailhouses and selling of meitt or drink And wilfull remanyng fra thair paroche kirk in tyme of sermone or prayers on the sonday be vsed vndir the panes following That is to say of euery persone for the handy lauboring and winking commounlie vsed be the puyrest sort x s And for gamyng playing passing to tavernis and ailhouses selling of meit and drink and wilfull remaning fra the paroche kirk in tyme of sermone or prayers on the sonday of euery persone xx s To be applyit to the help and releif of the puyr of the parochyne And incaise of the refuse or inhabilitie of ony persone offending in the premises to pay the saidis panes respective presentlie and indilaitlie vpoun thair apprehensioun or convictioun efter lauchfull triall he or she salbe put and haldin in the stokkis or sic vther Ingyne deuysit for publict pwnishment be the space of xxiiij houris And for executioun heirof the kingis maiesties commissioun of iusticiarie salbe grantit to sum persone in euery parochyne best affectit and maist able to performe the same at the request of the minister

## CAP. 13.

[1579, cap. 75.]

FOR pwnishment of personis that contempnandlie remanis rebellis and at the horne

. . . . his hienes with auise of his thrie estaitis in this present parliament statutis and ordanis that all lettres of horning execut and indorsat or that salhappyne to be execut and indorsat befoir the publicatioun of this present act sall within the space of fyftene dayis efter the publicatioun thairof and in all tyme thairefter within the space of fyftene dayis efter the denunciatioun be brocht to the schiref clerk of euery schirefdome quha sall registrat the same in the schiref buikis and deliuer the principall lettres agane execut and indorsat Noted on the back Registrat sic a day and subscriuit with his hand And within xxiiij houris efter the ressaie thairof sall ressaue fra the party awner and presentair of the saidis lettres for his lauboris onlie vj s viij d The quhilkis lettres and executionis thairof sua registrat and subscriuit on the bak be the said schiref clerk or the copy thairof autentiklie extractit furth of the saidis schiref buikis subscriuit be the said schiref clerk salbe estemit as autentik And salhaue effect and force in quhatsumeir Jugement they happyne to be productit Ay and quhill the partie sua deunecit to the horne obtene him self ordourlie relaxt thairfra Quhilk relaxatioun sall alsua be maid publictlie at the mercat croce of the schire quhair he duellis and quhair the denunciatioun of hornyng wes maid And that the said relaxatioun and executioun thairof sall be likewise registrat in the said schiref buikis within xv dayis efter the publicatioun thairof at the said mercat croce and be alsua registrat and subscriuit on the bak in maner foirsaid vtherwayis the saidis lettres of horning and relaxatioun sall nawise be haldin lauchfullie and orderlie execut Bot the executionis thairof null And that all schireffis haue honest famous men to thair clerkis quha be thame selfis or thair sufficient deputis salbe haldin to be alwayis resident within the heid burgh of the schire for ressauing and registering of the saidis hornings and

relaxationis as they sall occur And sall do the same trewly and orderlie within xxiiij houris vnder the pane of pament of the dampnage and interest that the party skaythit happynnis to sustene in thair default at the sight and modificatioun of the lordis of counsale and sessioun . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (*S.L.R.*).]

---

CAP. 16.

[1579, *cap.* 78.]

AGANIS sic as troublis thair nychtbouris be criminale persute saikles

FORSAMEKLE as sindry personis of mere malice and Invy calumpniattis Innocent personis and daylie persewis thame befor the iustice vpoun panes criminall quhairf the personis accusit being Innocent ar acquite and maid elene be the assyse And likewise sindrie personis that owthir in thair awin names or be the kingis aduocattis vpoun thair informatioun raisis criminall lettres and summonis assyses fra the far pairtis of this realme oftymes vses to pas fra the persute of the lettres at the bar to the greit preiudice of oure souerane lord and trouble of his hienes liegis ffor remeid quhairf Oure souerane lord with auise of his thrie estaitis in this present parliament statutis and ordanis That the saidis vniust persewaris sall pay the panes and vnlawis respectiue following Incaise the personis accusit happynnis to be acquite of the crymes laid to thair charge To be equalie deuidit betuix our souerane lord and the partie acquite That is to say gif the pairty acquite be onlie ane persone or ma of or within the nowmer of ten The sowme of ten pundis And gif the nowmer acquite be past the nowmer of ten the sowme of twenty pundis And that dome be gevin thairvpoun befor the iustice without further calling and the persewar haldin in waird quhill he mak pament And gif the kingis maiesties aduocat be onlie persewar his informar to pay the pane fairsaid And lettres of poynding or horning to be direct for pament thairf vpoun the sight of the act of adiornall without vther calling or proces of law And that in tyme cuming the iustice clerk and his deputtis at the granting of the lettres tak souirtie for agane bringing of the lettres dewlie execut and indorsat And that the raisaris thairf sall persew the samyn lettres at the day appointit vnder the pane contenit in the actis of parliament

---

CAP. 18.

[1579, *cap.* 80.]

ANENT the inserting of witnesses in obligationis and writtis of importance

ITEM it is statut and ordanit be oure souerane lord with auise of his thrie estaitis in parliament That all contractis obligationes reuersiones assignationes and discharges of reuersiones or eikis thairto And generalie all writtis importing heritable title or vtheris bandis and obligationes of greit importance to be maid in tyme cuming salbe subscriuit . . . . be the principall pairtys gif they can subscribe vtherways be twa famous notaris befor foure famous witnesses denominat be thair speciall duelling places or sum vther euident takens That the witnesses be knawin be present at that tyme Otherwyse the saidis writtis to mak na fayth

[*In part rep.*, 6 Ed. 7 c. 38 (*S.L.R.*).]

## CAP. 19.

[1579, *cap.* 81.]

ANENT prescriptioun in causes of spulye and eiectionis

ITEM It is statut and ordanit be our souerane lord with auise of his thrie estatis in parliament That all actionis of spulyeis eiectionis and vtheris of that natour be persewit befor the ordiner Juge within thrie yeiris efter the committing thairof vtherwise the persewaris allegit hurt neuer to be hard thairefter Prouiding that this act extend not to minoris Bot to persew within thrie yeiris efter their perfite aige

## CAP. 20.

[1579, *cap.* 82.]

ANENT prescriptioun in causes of remouing

ITEM It is statut and ordanit be our souerane lord with auise of his thrie estaitis in parliament That all actionis of removing be persewit within thrie yeiris efter the warning with certificatioun and they failyie the wairnaris sall neuer be hard thairefter to persew the samyie vpoun that warnyng

## CAP. 21.

[1579, *cap.* 83.]

ANENT prescriptioun in certane causes of debt

ITEM It is statut and ordanit be oure souerane lord with auise of his thrie estaitis in parliament That all actionis of debtis ffor housse mailis mennis ordinaris seruandis feis merchantis comptis and vther the like debtis that ar not foundat vpoune writtin obligationis be persewit within thrie yeiris vtherwyse the creditour salhaue na actioun Except he outhir preif be write or be aith of his pairty

## CAP. 37.

[1579, *cap.* 92.]

ANENT the admissioun of priue writtings charges and commandis be the lordis of sessioun

ANENT the supplicatioun gevin in be the chancellair president and remanent senatouris of the college of iustice Makand mentioun That quhair be the institutioun of the said College They ar autorizet to sitt and decide vpoun all actionis ciuile and nane vtheris to haue vote with thame And our said souerane lordis dearest gudeschir king James the fyft of worthie memorie institutar of the said College promittit in the said institutioun thairof That he sould not be ony privat writting charge or command at the instance of ony personis desire thame to do vtherwise in ony mater that sould cum befor thame bot as iustice requirit Or to do ony thing that may brek the statutis maid be thair predicessouris the first senatouris of the said college at his hienes command and doing of iustice And that he wald gif na credite to ony man that wald muremure the saidis lordis or ony of thame be doing of wrang and vnhonestie

Bot they sould be callit befor him And gif they wer foundin culpable to be pwnishit thairfor efter the qualitie of the fault or dimerit And gif they wer fundin clene and Innocent The personis complening to be pwnishit with all rigour and neurir to haue credit agane with his hienes as in the said institutione Ratifeit be parliament at mair lenth is contenit Neurirtheles within thir few yeiris bipast our souerane lordis autoritie and thair Jurisdiction is greittlie troublit and callit in doubt be ressonne of sindrie priuy writtingis and charges direct aganis thame be our said souerane lord and his priue counsaile sumtyme to forbeir to proceed in Ciuile causes befor the intending thairfor Sumtyme to stay the proces and remit the causes to the parliament quhilk syndle hauldis And thairthrow diuers partijs ar oftymes frustrat and dilayit of iustice And sumtymes efter the decreitis gevin the executioun thairfor ar stoppit as sindrie of the nowmer of the said College awaiting on the saidis lordis of articles can specialie declair Quhilk as it tendis to thair discrediting Sua it bringis contempt to oure souerane lordis autoritie and castis the partijs havand thair causes in processe (to quhome iustice sould alwayis be patent) in greit doubt Quhen they fynd not ane outgait to haue thair causes decidit quhair they ar intentit And the kingis maiestie his parliament and priue counsaile salhaue litill tyme and opportunitie To consider his hienes awin affairis and the causes of the commounweill gif that at the Inoportune sute of priuat partijs the ciuile causes ordourlie belonging to the Jugement of the College of iustice salbe brocht befor thame Thairfor our souerane lord with aise of his thrie estaitis of this present parliament hes declarit decernit and ordanit lyk as they be the tennour heirof declaris decernis and ordanis the saidis lordis of counsaile and sessioun To proceed in all the saidis Ciuile causes intentit and depending befor thame or to be intentit and to caus execut thair decreittis alady gevin or to be gevin notwithstanding ony priuat writing charge or command at the instance of ony persone or personis direct or to be direct in the contrair

## CAP. 38.

[1579, *cap.* 93.]

ANENT the admissioun of the ordiner lordis of the sessioun  
and Reformatioun of certane abuses

FORSAMEKLE as it is hevely murmurit be diuers liegis of this realme That our souerane lord electis and chesis young men without grauitie knowlege and experience not havand sufficient leving of thair awin vpoun the sessioun And that sum of thame be thame selfis thair wiffis or seruandis takkis buddis brybis guidis and geir Sua that iustice in effect is coft and sauld ffor remeid quhairof The kingis maiestie with aise of his thrie estaitis of this present parliament statutis and ordanis That nane of the lordis of sessioun alady ressaute or to be ressaute naither be thame selfis or be thair wyffis or seruandis Tak in ony tyme cuming buddis brybis guidis or geir fra quhatsumeur persone or personis presentlie havand or that heirefter salhappyne to haue ony actionis or causes persewit befor thame outhir fra the persewar or defendar vndir the pane of confiscatioun of all thair movable guidis that dois in the contrair The ane half thairfor to be applyit to our souerane lord And the vther half to the reveilar and tryar of the saidis budtakaris And further decernis and ordanis the saidis budtakaris to be displacet and depriuit simpliciter of thair offices quhilkis they beir in the College of iustice and to be declarit infame And als to be pwnishit in thair personis at the kingis maiesties will And siclike oure said souerane lord with aise fairsaid hes declarit and declaris That in all tyme cuming quhen ony ordinar place vaikis in the sessioun That our said souerane lord sall present and nominat thairto Ane man that feiris god of gude literature vnderstanding of the lawes of gude fame haveing sufficient leving of his awin and quha can mak gude expedition and depasche of materis concerning the liegis of this realme. Quha salbe first sufficientlie tryit and examinat be ane nowmer of the saidis ordiner lordis . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 45.

[1579, *cap.* 94.]

DECLARATIOUN Anent the preving of lettres of hornyng  
and executionis thairof be witnesses

. . . . Oure souerane lord with aulse of the thrie estaitis of this present parliament  
hes declarit and declaris That in all tyme cuming na tennour of lettres of hornyng  
executionis and indorsation thairof not extant and producit iudiciallie salbe admittit  
to be provin be witnesses in quhatsumeir actione or caus persewit or to be  
persewit be the liegis of this realme befor quhatsumeir Juge or Juges within the  
samyne . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## PARLIAMENT AT EDINBURGH, 24TH OCTOBER 1581.

## CAP. 2.

[1581, *cap.* 100.]

ANENT prouisioun of ministeris and certane stipendis for thame at all parochie  
kirkis and appointing of Commissioneris for ordering thairof

ITEM Becaus for laik of preching and teiching in sindrie partis of the Realme monie  
people ar suspectit To be fallin in greit ignorance and danger of godles atheisme It  
being found maist difficill That in the charge of pluracie of kirkkis ony ane minister  
may instruct mone flockis Thairfor it is thocht expedient statute and ordanit be oure  
souerane lord and his thre estatis of this present parliament That euerie parochie kirk  
and samekle boundis as salbe found to be a sufficient and a competent parochrie  
Thairfor sall have thair awin pastoure with a sufficient and Ressonable stipend  
According to the state and habilitie of the place . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 22.

[1581, *cap.* 117.]

ADDITIOUN to the act of Lawborrowis

. . . . Oure souerane lord with aduise of his thre estatis in this present parliament  
Ordanis that all letteris of lawborrowis salbe direct in tyme cuming at the instance of  
the pairteis complenand chargeing the personis complenit vpoun to find sicker souertie  
and lawborrowis that the complenaris thair wyffis bairnis tenentis and seruandis salbe  
harmeles and skaithles in thair bodeis landis takkis possessionis guidis and geir and  
on na wayis to be molestit or trublit thairin be the personis complenit vpoun nor  
na vtheris of thair causing sending hunding out resetting command assistance and  
ratihabitoun quhome thai may stop or let direclie or Indireclie vthirwayis nor be  
the ordoure of law and iustice vnder greit panes to be modifeit be the . . . . ordinar  
Judges Be quhome in cause the said lawborrowis salbe dewlie tryit to be brokin the  
ane half of the pane sall pertene to oure souerane lord and the vther half to the pairte  
grevit according to the effect and meaning of the said act maid to that effect of befor

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 23.

[1581, *cap.* 118.]ANENT deforcementis breking of arreistmentis and alienationis  
maid in defraud of creditouris

. . . . It is statute and ordanit That the lordis of counsell and sessioun proceed summarlie and diligentlie in all actionis of deforcementis and breking of arreistmentis to be intentit befor thame at the instance of quhatsumever personis and specialie that the saidis actionis quhen thai ar callit sall with all convenient speid without Intermissioun be put to ane point efter the calling thair of And that the personis convict of deforcementis or breking of arreistment salbe punesit be the escheit of thair guidis moveabill and punischment of thair personis at oure said souerane lordis will according to the lawes obseruit of befor with this additioun That the pairte recoverair of the sentence salbe first pait of his debt and of his expenses to be heichlie taxit be the saidis lordis and of ane certane sowme of money to be modefeit at the saidis lordis discretioun to the pairty for the dampnage and interes sustenit be thame Anent the quhilk the pairty interest sall haue reddie executioun vpoun the first and Reddiest guidis and geir of the persoun convict Nochtwithstanding the Richt of the escheit pertenynng to oure said souerane Lord quha for weil of his subiectis will and grantis that the creditouris be preferrit to him in this caise And further with aduise of the saidis thre estatis It is statute and ordanit be his hines That all giftis of escheit quhilkis salbe gevin heirefter to quhatsumever persoun or personis of geir guidis and vtheris cumand in his hines handis for deforcement or breking of arreistment sall contene express exceptioun and Reservatioun to the creditoure of the sowmes recoverit for his principale debt expensis and sowme to be modifeit as said is And gif ony gift of escheit proceding vpoun this cause foirsaid be gevin without the said reservatioun and exceptioun The same salbe null and of nane avail . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 26.

[1581, *cap.* 119.]

## ANENT the conuentioun of burrowis

FORSAMEKILL as it wes found necesser to oure souerane lord and his hines prediessouris That the commissionaris of burrowis convene at sic tymes as they suld think guid in quhat burgh they thocht maist expedient with full commissioun To treat vpoun the weillfair of marchandis marchandice guid rewle and statutis for the commone profite of burrowis as at mair lenth is contenit in the actis of parliament maid thairanent and anent the priuilege of burrowis Thairfor oure souerane lord with aduise of his thre estatis of this present parliament Ratifeis and appreis the saidis actis And for bettir obseruatioun of the saidis conventionis be sic burrowis as hes heirtfoir not send thair commissioneris at onie tyme thairto hes statute and ordanit that in tyme cuming quhen onie conventionis of burrowis is appointit to the maist part of the saidis burrowis or be the burgh of edinburgh and onie sex or acht of the rest The burgh warnit thairto be onie missiue bill of the provest and bayleis of the burgh quhair the said conventionis is to be haldin or vthir wayis lawfullie cytat thairto and not compeirand be thair commissioner sufficientlie instruct sall pay to the chargeis of the burghis that sall convene the sowme of twentie pundis And ordanis the Lordis of counsell and sessioun to grant and direct letteris of hornynng or poinding aganis the burrowis absent fra the same conventioun and adiudget be the Remanent burrowis to haue Incurrit the said pane and vnlaw and this at the instance of the burgh of edinburgh without farther proces and calling of pairtie thairto The saidis Lordis seand the act autentikle subscrivit be the clerk of that conventioun That thai ar absent and convict as said is

## PARLIAMENT AT EDINBURGH, 19TH MAY 1584.

## CAP. 2.

[1584, *cap.* 129.]

ANE act confirming the kingis maiesties Royall power over  
all statis and subiectis within this Realme

FORSAMEKLE as syndrie personis being laitlie callit befor the kingis maiestie and his secrete counsell to ansuer vpoun certane pointis to haue bene inquit of thame concerning sum treasounable seditious and contumelious spechis vtterit be thame in pulpet scolis and vtherwayis to the disdane and reproche of his hienes his progenitouris and present counsell contemptuouslie declinit the Jugement of his hienes and his said counsell in that behalf To the evill exemple of vtheris to do the lik gif tymous remeid be not providit THAIRFOIR our souerane lord and his thrie estatis assemblit in this present Parliament ratefeis and appreis and perpetuallie confirmis the royall power and auctoritie over all statis alsweill spirituall as temporall within this realme in the persoun of the kingis maiestie our souerane lord his airis and successouris And als statutis and ordinis That his hienes his said aris and successouris be thame selfis and thair counsellis ar and in tyme to cum salbe Juges competent to all personis his hienes subiectis of quhatsumeur estate degrie functioun or conditioun that euer they be of spirituall or temporall In all materis quhairin they or ony of thame salbe apprehendit summound or chargeit to ansuer to sic thingis as salbe inquit of thame be our said souerane lord and his counsell And that nane of thame quhilkis sall happin to be apprehendit callit or summound to the effect foirsaid presume or tak vpoun hand to decline the Jugement of his hienes his airis or successouris or thair counsell in the premisses vnder the pane of treasoun

## CAP. 4.

[1584, *cap.* 131.]

ANE act dischargeing all Jurisdictionis and Jugementis not approuit be Parliament and all assembleis and conventionis without our souerane lordis speciall licence and Commandement

FORSAMEKLE as in the trublous tymis during thir xxiiij yeris bypast syndrie formis of Jugementis and Jurisdictionis alsweill in spirituall as temporall causes ar enterit in the practis and custome quhairby the kingis maiesties subiectis ar oftymis convocat and assemblit togidder and panis alsweill ciuill and pecuniall as ecclesiasticall inionit vnto thame proces led and deduceit sentences and decreitis gevin and the same put in executioun na sic ordour as yit being allowit of and approuit be his maiestie and his thrie estatis in Parliament contrare the custome obseruit in ony vther christiane kingdome or weill gouernit commoun weill and to the diminißing of the force and power of his hienes awin lawis be the quhilkis his maiesties subiectis aucht to be rewlit And speciallie his hienes and his estatis considering That in the saidis assembleis certane his subiectis haue takin vpoun thame to Justifie and auctorize the fact perpetrate aganis his hienes persoun and estate at Ruthven and prosecutit thairefter quhill his maiestie at goddis pleasour recoverit his libertie having in thair pretendit maner maid actis thairvpoun kepis the same in Register and as yit semis to allow the said attemptat althocht now publictlie condampnit be his hienes and estatis as treasounsable nane of the authoris thair of having cravit his hienes pardone thairfoir ffor remeid quhair of in tyme cumming sua that according to the lovable act of his darrest guidsir king James the ferd of worthie memorie All his hienes liegeis (being vnder his obeissance) man be rewlit be his awin lawis and the commoun lawis of this realme and be nane vther lawis OURE

SOUERANE LORD and his thrie estatis assemblit in this present parliament dischargeis all Jugementis and Jurisdictionis spirituall or temporall accustomed to be vsit and execute vpoun ony of his hienes subiectis quhilkis ar not approuit be his hienes and his saidis thrie estatis conuenit in Parliament and decernis the same to ceis in tyme cumming quhill the ordour thairof be first sene and considerit be his [hienes and his saidis thrie] estatis [conuenit] in Parliament and be allowit and ratefeit be thame Certefeing thame that sall proceid in vsing and exerceing of the saidis Jugementis and Jurisdictionis or in obeying of the same not being allowit nor ratefeit as said is They salbe repute haldin callit persewit and pvnissit as vsurparis and contempnaris of his hienes auctoritie in exemple of vtheris And als it is statute and ordinit be our said souerane lord and his thrie estatis That nane of his hienes subiectis of quhatsumeuer qualitie estate or functioun they be of spirituall or temporall presume or tak vpoun had to convocat conuene or assemble thame selffis togidder for halding of counsellis conventionis or assembleis To creat consult and determinat in ony mater of estate ciuill or ecclesiasticall (except in the ordinare Jugementis) without his maiesties speciall commandement expres licence had and obtenit to that effect vnder the panis ordinit be the lawis and actis of Parliament aganis sic as vnlawfullie convocatis the kingis liegeis

## CAP. 6.

[1584, cap. 133.]

THAT ministeris sall not be Jugeis nor exerce ony vther ordinare office that may abstract thame fra thair office

THE kingis maiestie and his thrie estatis assemblit in this present parliament earnestlie desirous That all his loving and guid subiectis salbe faithfullie instructit in the doctrine of thair saluatioun And that the ministeris of godis word and sacramentis may the better and mair diligentlie attend vpoun thair awin chargeis and vocation Thairfor statutis and ordinis that all the saidis ministeris sall lawfullie await thairvpoun to the comfort and edificatioun of the flokis committit vnto thame And that nane of thame presentlie being in that functioun or that salbe admittit thairto in tyme cumming sall in ony wayis accept vse or administrat ony place of Judicature in quhatsumeuir ciuill or criminall causes not to be of the college of Justice commissioneris aduocatis court clerkis or notaris in ony materis (the making of testamentis onlie exceptit) vnder the pane of depriuatioun from thair benefices levingis and functioun And gif they failyie heirin being callit tryit [and] adiugeit culpable be thair ordinaris or the kingis maiesties commissioneris in ecclesiasticall causes They sall then tyne thair saidis benefices and levingis and vtheris qualefeit personis salbe presentit and prouidit thairto as gif they wer naturallie dead

## CAP. 15.

[1584, cap. 139.]

ANE act anent the better executioun of decreittis

OURE Souerane [Lord] with auise and consent of his hienes thrie estatis of this present parliament hes ratefijt and appreuit and be the tennour heirof ratefijs and appreuis the act and statute vnderwrittin And decernis and declaris the same to haue strenth force and effect of ane act of parliament Of the quhilk the tennour followis AT Edinburgh the xxiiij day of marche The yeir of god JM<sup>vo</sup> fourscoir twa yeris The quhilk day in presence of the kingis maiestie sittand in Jugement and lordis of his hienes counsell and sessioun comperit maister dauid macgill of neisbit and in his awin

name as aduocat to his hienes and in name of his maiesties maist faithfull humbill and obedient subiectis of his realme exponit and declarit how it wes hevelie meanit be his maiesties said subiectis That efter the tedious chargeable and langsum persute in obtening of thair decreitis the malice of personis had daylie sua increseit be making of simulat and fals assignationis of thair movable guidis fraudfull and priuat alienationis of thair possessionis landis and heretageis That the executioun of the decefeitis gevin be quhatsumeuir Jugeis within this his hienes realme althocht obtenit be maist langsum proces wer altogidder frustrat at leist sua delayit that parties wer in na better cace efter the obtening of thair saidis decretis nor gif the samyn had not bene gevin The saidis manifest fraudis and daylie Inuentit collusionis being the stay of Justice quhair of the principall pairt standis in executioun ffor remede of the same Consideratioun being tane be his maiestie with aise of the lordis of his hienes counsell and sessioun to quhome be his maiesties maist noble progenitouris king James the fift of guid memorie erectar of the college of Justice with consent of parliament The concluding vpoun rewallis statutis and ordinancis for expeditioun of Justice wes committit THAIRFOIR his hienes with aduise and consent fairsaid hes statute and ordinit that for executioun of all decreitis alsweill gevin be the saidis lordis in ony tyme bygane as to be gevin in tyme cumming And siclike of decretis gevin or to be gevin be quhatsumeuir Jugeis within this his maiesties realme quhairvnto the autoritie of the saidis lordis of sessioun hes bene or sall happin to be interponit That lettres alsweill of horning as pointing the ane not preiudiciall to the vther salbe directit at the will and pleasure of the partie obtenar of the decrete Quibidder the same be gevin vpon liquidat sowmis or that the executioun thair of vtherwayis consist in facto And that na suspensioun be grantit vpoun the executioun of the saidis decreittis without reall offer be first maid to the pairtie in quhais fauouris the executionis of the saidis decreittis is directit And the pairties refuis sufficientlie verifijt to the saidis lordis Consignatioun alwayis being maid as vse is And that according to thair lait statute and ordinance quhilk his maiestie with all vtheris thair statutis and ordinancis maid for expeditioun and executioun of Justice ratefeit and appreuit PROUIDING alwayis that consideratioun be had vpoun the space and dayis of the chargeis and that according to the distance of the defendaris duelling places And the quantitie of the sowmis contenit in the saidis decreittis

---

PARLIAMENT AT EDINBURGH, 20TH AUGUST 1548.

CAP. 10.

[1584, cap. 3.]

ANENT decreittis gevin vpoun dowbill pointing or horning

FORSAMEKILL as complaint being movit at the instance of tennentis of landis aganis diuerse pairteis be quhome they ar chargit poyndit and distreinyeit for thair mailles and dewteis And of the pairteis complanit vpoun comperand and schawand [thair] richt and titill of the landis And the vther being lawfullie sumound and nocht comperand the pairtie comperand is ordanit to be ansuerit and obeyit of the mailles and dewteis of the landis being in questioun according to his richt and titill then schawin and producit not simpliciter bot with this limitatioun for ocht that the lordis of counsall or vtheris Judgis ordinaris befor quhome the said actioun dependis had sene And the vther pairtie lawfullie sumound and nocht comperand is lykwayis decernit to deest and ceis [fra] all forder molestatioun or trubilling of the saidis tennentis for ocht that the saidis lordis then had sene Be the quhilk decreit the pairtie comperand hes vndowtit richt to the mailles and dewteis [of] the landis ay and quhill he be warnit at the instance of the vther pairtie and better richt schawin And becaus mony yeiris efter the geving of the samyn decreit the pairtie quha wes lawfully sumound and be contumacie wes absent hes intentit actioun for reductioun of the said decreit from the

begynning And consequentlie for compelling of the pairtie obtenar thair of to rander and restoir the haill proffittis of the landis intromettitwith be him of mony yeiris Expres aganis the prouisioun of the commoun law and guid ressoun That he quha comperis and obeyis the Juge salbe in war caice nor he quha contempnit the Judgement and absentis him thairfra FOR REMEID quhair of IT is statute and ordanit that quhen euir the pairtie not comperand is lawfullie summond and shawis not richt he sall not be hard to reitrete and reduce the said decreit nor yit salbe restorit agane to the samyn except he haif Ane necessar caus of his absence and nocht comperance quhen he wes summond Nor yit sall haif ony action for the byrun proffittis Intromettitwith be the obtener of the decreit fra the obtening thair of And he quha obtenis the said decreit sall only be obliissit to ansuer the vther pairtie complemand in the secund instance according to the richt quhilk is then competent in his persoun and quhilk he sall shaw and produce vailyeable to bruik at the tyme of his complaint and sute and na vtherwayis And that this ordour be kept and obseruit befor the Lordis of sessioun and vtheris Judgis as effeiris not only in all sic questionis as may occur heirefter Bot als in all materis of the elyke sorte bygane intentit or to be intentit dependand and vndecydit befor the saidis lordis of sessioun and vther Judges ordinare IT is alwayis prouidit that gif the pairtie callit and not comperand in the first instance be minor and haif tutouris and curatouris he sall haif his action for his dampnage and enteres sustenit be him throw his noncomperance aganis his tutouris and curatouris allanerlie And gif the persoun being minor and haif na tutouris nor curatouris sall haif thair remeid to be restorit in Integrum as accordis of the law vpoun resonable causes proponit to that effect

## CAP. 11.

[1584, cap. 4.]

ANE act explanand the act of parliament maid of befor Anent  
subscribing and seling of wryittis of greit Importance

THE kingis maiestie with aduise of the thrie estaitis of this present parliament exponis and declaris That the act anent the seilling of wryittis of Importance is nocht to be vnderstand of sik wryittis contractis or obligationis as ar be the parteis aggreit vpon To be registrat in the buikis of our souerane lordis consale or vther ordiner Judges Seing the parteis consentis to registrat the same Quhilk is ane griter solempnt act nor the seling thair of and that the non seling of the same sall be [na] exceptioun aganis the validitie of the saidis wryittis being subscriwit be the parteis and aggreit on to be registrat as said is Quhilkis his maiestie and estaitis fairsaidis declaris to neid na seillis nather that the said act Anent the saidis wryittis to be subscriwit be twa notaris salbe extendit to instrumentis of sesing Quhairinto ane faythfull notar with ane resonabill number of honest and famous witnesses is sufficient And this declaratioun to be obseruit as ane law in all tyme cumming

## PARLIAMENT AT LINLITHGOW, 1ST DECEMBER 1585.

## CAP. 1.

[1585, cap. 10.]

ANE Act aganis the outhouris of slaunderous spechis or Writtis

FORSAMEKLE as in the troublous tymes bypast dyuerse of oure souerane lordis liegis hes takin on thame a licentious libertie and presumption to speik and wryte mony thingis of his Maiestie vncumlie and na wayis allowable in ony christiane realme or commoun welth quhilk hes bene in tyme past and may be in tyme cumming

the occasioun of disordour and inquietnes gif the like salbe sufferit heirefter vnpun-  
 issit THAIRFOIR oure souerane lord with aduise of his thrie estaittis convenit in  
 this present parliament statuittis and ordanis That all his hienes subiectis contene  
 thame selfis in quietnes and dewtifull obedience to his hienes and his auctoritie And  
 that nane of thame presume or tak vpoun hand publictlie to declame or priuatlie to  
 speik or wryit any purpos of reproche or slaunder of his Maiesteis persoun estait or  
 gouvernement Or to deprave his lawis and actis of parliament or misconstrue his pro-  
 cedingis quhairby any misliking may be moved betuix his hienes and his nobilitie and  
 loving subiectis in tyme cuming . . . . Certifeing thame that dois in the contrair Thay  
 salbe repute as sedicious and wicked instrumentis enemeis to his hienes and the  
 commoun weill of this Realme . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 6.

[1585, *cap.* 12.]

ANE Act aganis leaguis and bandis

FORSAMEKLE as thair was ane act maid of befor in the regiment of vmquhile  
 marie Q. Dowarrier and regent of this realme our souerane lordis guddame of worthie  
 memorie anent leaguis and bandis as being thocht aganis all law and obedience of  
 subiectis towardis thair princes quhilk act sen the making not weill obseruit IT hes  
 gevin occasioun in a pairt of mony troubles That hes occurrit sensyne QUHAIRFOIR  
 OUR SOUERANE LORD with aduise of his thrie estaittis convenit in this present  
 parliament ratefeis appreis and for his successouris perpetuallie confermis the said  
 act of parliament and ordanis the same to haif full effect and executioun in tyme  
 cuming And also of new with aduise of his saidis thrie estaittis dischargis and annullis  
 all leagues and bandis maid betuix his liegis and subiectis in tyme bigane preceeding  
 the dait thairrof And statutis and ordanis that in tyme cuming [na] leagues and bandis  
 be maid amangis his subiectis of ony degree vpoun quhatsumeuir collour or pretense  
 without his hienes or his successouris privity and consent had and obtenit thairto  
 vnder the pane to be haldin and execute as mowaris of seditioun and inquietnes To  
 the break and trouble of the publict peax of the realme and to be callit and persewit  
 thairfoir with all rigour in example of vtheris

---

CAP. 25.

[1585, *cap.* 18.]

DECLARATIOUN of the lord Hamiltoun To be curatour to the  
 erle of arrane his brother

OURSOUERANE Lord be aduise of this present parliament statutis and ordanis that  
 the nearest agnettis and kinsmen of naturall fowlis Ideottis and furious Salbe seruit  
 ressaut and preferrit according to the dispositioun of the commoun law to thair  
 tutorie and curatorie . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## PARLIAMENT AT HOLYROOD HOUSE, 8TH JULY 1587.

## CAP. 6.

[1587, *cap.* 27.]

FOR pvnishment of the committaris of disordouris in the kirk in tyme of divine seruice or forcearis of ministeris in thair office and functioun

OURE Souerane Lord with aulse of his thrie estaitis in this present parliament statuitis and ordanis That quhatsumeir persoun or personis salhappin heirefter to perturbe the ordour of the kirk in tyme of divine seruice or to mak onie tumult raise ony fray ather in kirk or kirk yaird quhairthrow the people than convenit salhappin to be disorderit trublit or dispersit The samin salbe ane point of dittay and the personis to be convict thair of sall tyne all thair movable guidis to be escheitit to our souerane lord for thair offence but preiudice of greittair punisement gif thair happin onie grittair offence (as slauchter blude mutilatioun schuiting of hagbuttis and pistollettis) according to the lawis of this realme And forsamekle as diuerse personis having committit sindrie offences for the quhilkis thai merite to be separat frome the societie of the kirk and yit seikis na reconciliatioun thairvnto Bot for necessitie of baptisme to thair bairnis or mariage of thame selfis or of thair freindis sumtymes minassis and hostis the saidis ministeris and sumtymes for seiking of thair levingis or sic vther querrellis spairis not to put violent handis in thame FOR REMEID quhair of It is statute and ordanit be our said souerane lord with aulse of the estaitis foirsaidis That quhatsumeir persoun or personis Invalidis ony minister or putis ony violent handis in him for the causses abone expremit or ony vther sic forgit querrell Salbe pvnissit thairfor with all rigour and Incure the pane of tinsall of all thair movable guidis for the said invasioun and violence allanerlie albeit na slauchter nor mutilatioun follow thairvpoun The ane half of the saidis movable guidis to be applyit to our souerane lordis vse and the vther to the partie offendit but preiudice of greittair punisement gif ony heicher cryme concur with the violence and Invasioun foirsaidis And for the better executioun heirof It is statue and ordanit that all personis dilaitit of the saidis offences salbe callit and persewit thairfor criminallie befor the Justice and his deputtis ather in Justice airis or at particular dyettis And that lettres be direct to that effect in commoun forme at the instance of the minister or the kingis aduocat or procuratour for the kirk or ony vther that will persew the saidis offences And quhair ony excommunicat persoun enteris in the congregatioun the tyme of the ministratioun of the sacramentis or commoun prayeris The minister being certifiit thair of sall incontinent thaireftir charge the excommunicat persoun in the Name of god and our souerane lord to depairt quhilk being refused he sall efter the ministratioun of the sacramentis or commoun prayeris endit Require samonie of the maist wyse discret and substantious of the parroche as he pleisses That thai in our souerane lordis Name sall tak and apprehend the said excommunicat persoun and present him to the iudge ordiner within the boundis of the schyre quhair the parroche lyes quhilk iudge ordiner salbe haldin to ressaue the same excommunicat persoun of thair handes and keip and retene him in prisone till he find cautioun vnder sic sowmes as salbe modifiit be the minister and samony of the eldaris of that kirk as ar present for the tyme or resortis to the oulkie assembleis That the excommunicat persoun reconciliat him self to the kirk and sall mak amendis for the said offence And gif the excommunicat persoun foirsaid deforceis ony of thame in the executioun of the premisses he being convict thair of his movable guidis sall fall in escheit to our souerane lord and his persoun sall be punissit at his hienes will and plesure

## CAP. 30.

[1587, cap. 46.]

FOR reformatioun of the extraordinier nowmer and monyfauld abuses of  
officiaris of Armes

OURE Souerane Lord and thrie estaitis of parliament Considering how of late yeiris thair is enterit in the office of armes sindry extraordinar masseris and pursevantis and a verie greit nowmer of messingeris throw importune suit of diuerse pairtijs in sic a confusit and incertane maner that it is becum doubtfull quha ar admittit and how and quha deprived or not or quhidder thair cautioneris be levand or depairtit this lyff And seing thair wes alwayes in tymes of best government a certane nowmer of officiaris of armes IT is now thairfoir thocht expedient statute and ordanit That in tyme cuming thair salbe onlie tua hundreth personis weirand and beirand our souerane lordis armes in the hail boundis of the realme of scotland In quhilk nowmer lyoun king of armes and his brether the ordiner herauldis masseris and pursevantis salbe comprehendit being in nowmer xvij personis and the remanent to be diuidit amangis the remanent schirefdomes of the realme in maner efterfollowing That is to say within the schirefdome of orknay and zetland iiij within the schirefdome of Inuernes and cromartie x within the schirefdome of Narne ij within the schirefdome of elgin and forres v within the schirefdome of Banff iiij within the schirefdome of aberdene xij within the schirefdome of kincardin iiij within the schirefdome of forfare x within the schirefdome fyff x within the schirefdome of kinross ij within the schirefdome of clakmannan ij within the schirefdome of perth and stewartries of menteyth and stratherne xij within the schirefdome of striuiling v within the schirefdome of Dunbartane iiij within the schirefdome of lynlythgw iiij within the schirefdome of Edinburgh principall xxiiij within the schirefdome of edinburgh and constabularie of hadingtoun iiij within the schirefdome of berwick iiij within the schirefdome of Roxburght viij within the schirefdome of selkirk ij within the schirefdome of peibles iiij within the schirefdome of lanerk x within the schirefdome of renfrew iiij within the schirefdome of Ergile and tarbert iiij within the schirefdome of bute ij within the Schirrefdome of air xij within the schirefdome of wigtoun iiij within the schirefdome of Dumfries and stewartries of kirkeudbright and annerdaill xij And to the effect that the ordour now appoyntit may tak the better effect Ordanis and commandis lioun king of armes That he onnawyse ressaue ony maner of personis to the office of messingerie in tyme cuming except it be in the place of ane of the personis that salbe thocht meit to be retenit efter the first day of nouember nixtocum be his deceise or deprivationioun Notwithstanding ony precept or warrand gevin or to be gevin in the contrair Quhairin gif he failye he sall incur the indignatioun of our souerane lord and the persoun sa admittit salhave na place to vse and exerce the said office nor his executionis quhatsumeuer sall nawyse be valide in Jugement or outwith . . . Oure souerane lord ordanis . . . for all complaintes to be maid to lyoun king of armes vpoun the defaultis of officiaris in tyme cuming he sall sett twa peremptour [Courtes] in the yeir to be haldin in Edinburgh vpoun the sext day of maij and the sext day of november gif thai be lauchfull and failyeing thair of the nixt lauchfull dayes and sall summond the pairtie complenit vpoun be his precept conteneand the cause of the complaint relevantlie libellit and cause summond the personis accusit and his cautioner on xv dayes warning and deliver thame copies Concludand incaise the officiar be fund culpable not onlie his deprivationioun fra the office Bot his cautioner to Incur the pane quhair of the thrid pairt sall appertene to the said lyoun king of armes for his laubouris And that his actis and decreitis be formally writtin and registrat and patent to all our souerane lordis lieges havand interesse and siclike lettres conforme to pas thairvpoun as vpoun the decreitis of quhatsumeuer Juges ordiner within this realme

[In part rep., 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 37.

[1587, *cap.* 54.]

AGANIS extraordiner impositionis layed vpoun victuallis

FORSAMEKLE as ane of the speciall causes of derth proceidis frome the exorbitant custumes and impositionis layed vpoun victuallis coirnis and guidis cumand to mercattes fre portis or heavins without ony warrand and quhairof thai have not bene in vse and custume past memoir of man quhilk is ane oppressioun of the people and ane caus of incres of derth Thairfoir our souerane lord with auise of the thre estaitis of parliament forbiddis and discharges throw the haill realme all sic custumes and impositionis quhairof thair is na warrand Nather haif the intromettouris and vptakeris thairof and thair predicessouris bene in vse and possessioun thairof past memoir of man vnder the pane of

And ordanis the takeris of the saidis exorbitant impositionis To be callit thairfoir and quateuer they have vptane to be adiugeit to rander the samin to the kingis Maiesties vse and thay forder to be punist in thair personis and guidis as oppressouris of the people Conforme to the lawes of the cuntrie and that na custume be tane heir-efter bot according to our auld lawis and actis of parliament and quhairvpoun the vptakeris hes speciale warrand at the leist bene in possessioun thairof past memoir of man as said is

## CAP. 43.

[1587, *cap.* 59.]

AGANIS slayeris of deir and vtheris wyld beastis

OURE Souerane Lord vnderstanding that thair hes bene diuerse actis of parliament maid of befor anent the slaying of harte hynd da Ra hairis cuningis and vtheris wyld beastis with culueringis corsbowis and handbowis and specialie the actis maid in the parliament haldin at Edinburgh in december The yeir of god J<sup>M</sup>v<sup>o</sup> lxvij and in november lxxxj yeiris Quhilkis actis hidderto hes tane na effect and that in default of the magistratis quhilkis wer appoyntit to put the same to executioun THAIRFOIR his hienes with auise of his thre estaitis of this present parliament hes ratifiet and appreuit the saidis haill actis in all poyntis passes clauses and articles thairof with this additioun That the slayeris and schuittaris of hart hynd da ra hairis cuningis and vtheris beistis without licence or allowance of the awneris salbe lyk cryme to the committaris as the steillaris of horse and oxin and the committaris thairof sall incur the pane and punischement dew to the cryme of thift

## CAP. 54.

[1587, *capp.* 75, 77.]

FOR the help and augmentatioun of the kingis Maiesties rentis in his thesaurarie and casualities

[*Secs.* (1)–(7) *rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*.)]

(8) ITEM It is statute and ordanit That all schireffis in tyme cuming mak compt to the chekker of quhatsumeuer escheitis vptakin and intromettitwith be thame within thair iurisdictionis and that ilk schiref charge him self specialie with the same escheitis in ilk chekker yeirlie

[Sec. (9) rep., 6 Ed. 7 c. 38 (S.L.R.).]

(10) ITEM That the thesaurair and aduocat persew slauchteris and vtheris crymes althocht the pairties be silent or wald vtherwayes privelye agree and that in iustice airis or particular diettis the haille assyissouris be callit for and the absentis amerchiat to move thame to mak the better obedience

[Secs. (11)–(15) rep., 6 Ed. 7 c. 38 (S.L.R.).]

# CAP. 57.

[1587, capp. 91, 92.]

FOR the furtherance and furthsetting of the criminall iustice ower all the Realme

[Secs. (1)–(9) rep., 6 Ed. 7 c. 38 (S.L.R.).]

(10) OURE Soueraue Lord considering the wrang allegit sustenit be diuerse noble men and vtheris liegis of this realme being accuisit of tressoun be solisting bosting and minassing of the assyise efter thai wer inclosit The accusaris and vtheris personis thair favouraris havand libertie to pas to the said assyse and to produce to thame sic writtis and witnesses and vther probatioun as thai pleasit to verifie the cryme outwith the presence of the pairties accuisit Quhairby the iust defence of thair lyffis landis and honouris wes takin away THAIRFOIR oure said souerane lord with auisse and consent of the thrie estaittis of this present parliament hes statute declairit and ordanit that in all tyme cuming the haille accusatioun ressoning writtis witnesses and utheris probatioun and instructioun quhatsumeuer of the cryme salbe allegit ressonit and deducit to the assyse in presence of the pairtie accusit in face of iudgement and na utheris wayes And that all and quhatsumeuir liegis of this realme accuisit of tressoun or for quhatsumeuer cryme salhaif thair aduocattis and procuratouris to vse all thair lauchfull defenses quhome the iudge sall compell to procure for thame incase of thair refuse That the sute of the accusare be not tane pro confesso and the pairtie accuisit preiugeit in ony sorte befor he be convictit be lauchfull tryell And to the effect the saidis aduocattis and procuratouris may the mair frelie and willinglie do thair office in the premisses Oure said souerane lord with auisse and consent foirsaid annullis casses and rescindis all and quhatsumeuer actis of parliament and utheris statuttis maid be him or ony of his predicessouris of befor in contrair heirof

(11) ITEM It is statute and ordanit that how sone the haille persute defenses and answeris thairto ar fullie hard be the assyise gif ony of the saidis assyissouris hes ony doubt quhairof thai wald be resoluut That thai propone the same oppinly in presens of the pairties in face of iudgement befor thai pas out of Jugement thame selffis And Immediatlie efter that the said assyse hes chosin thair chancellor the clerk of the iusticiarie sall inclose the said assyse thame allane or in ane house be thame selffis And suffer na persoun to be present with thame or repair to thame in ony wyse nather clerk nor vtheris vnder pretence of forder informatioun resoluing of onie dout or ony vther cullour or occasioun quhatsumeuer Bot that the said hous be haldin fast and na man present thairin bot the saidis assyissouris and that they be not sufferit to come out of the said hous for quhatsumeuer cause Or to continew the geving of thair sentence to ane vther tyme bot that they be inclosit as said is vnto the tyme thay be fullie aggreit and returne thair answer be the mouth of the said chancellor to the iudge And our souerane lord with avise foirsaid decernis declairis and ordanis that gif onie of the saidis accusaris informearis of his hienes aduocat or vtheris personis quhatsumeuir pretend in ony wayes in tyme cuming to informe solist ressonne dispute speik or repair to the said assyise efter thair removing furth of iudgement and inclosing of thame in maner abonewrittin or vtherwyse transgresses ony poynt of this

present act In that caise the pairtie accuisit salbe haldin and pronuncit cleane and Innocent of thai crymes and tressonis than layit to his charge And this present act salbe ane sufficient warrand to all assyssouris in criminall causes heirefter to pronounce the pairtie accuisit cleane and Innocent Incais ony of the premisses beis contravenit

## CAP. 114.

[1587, *cap.* 113.]

ACT inhibiting the burrowis to sell or dispoise thair fredomes without consent of the estates in parliament

FORSAMEKLE as it [is] not lauchfull to ony of the kingis vassallis to sell and annalie thair landis in preiudice of his Maiestie thair superiour Evin sa it is fund expedient statute and ordanit be our souerane lord and thre estaitis in this present parliament That it sall not be lauchfull to ony of his hienes frie burrowis To sell or annalie thair fredome and priuilege in haill or in pairt to ony vther burght or vtherwyse quatsumeuir without expres licence and consent of his hienes and thrie estaitis in parliament vnder the pane of amission and tinsall of the fredome of the burgh othir byand or selland the saidis fredomes in haill or in pairt as said is

## PARLIAMENT AT EDINBURGH, 3RD APRIL 1592.

## CAP. 8.

[1592, *cap.* 116.]

ACT for abolisheing of the actis contrair the trew religioun

OUR Souerane Lord and estaittis of this present parliament following the lovable and gude example of thair predicessouris Hes ratifiet and appreuit and be the tennour of this present act ratifies and appreuis all liberties priuileges Immvnties and fredomes quhatsumeuir gevin and grantit be his hienes his regentis in his Name or ony of his predicessouris to the trew and hally kirk presentlie establishit within this realme and declairit in the first act of his hienes parliament the tuentie day of october The yeir of god J<sup>M</sup><sub>v</sub><sup>O</sup> lxxix yeiris . . . AND SICLYK Ratifies and appreuis the generall Assembleis appoyntit be the said kirk And declairis that it salbe lauchfull to the kirk and ministrie euerilk yeir at the leist and offer pro re nata as occasioun and necessitie sall require To hald and keip generall assemblies Providing that the kingis Maiestie or his commissioner with thame to be appoyntit be his hienes be present at ilk generall assembleie befor the dissolving thair of Nominat and appoint tyme and place quhen and quhair the nixt generall assembleie salbe haldin And in caise nather his Maiestie nor his said commissioner beis present for the tyme in that toun quhair the said generall assembleie beis haldin Than and in that caise IT salbe lesum to the said generall assembleie be thame selfis To nominat and appoynt tyme and place quhair the nixt generall assembleie of the kirk salbe keipit and haldin as they haif bene in vse to do thir tymes bypast AND ALS ratifies and appreuis the sinodall and provinciall assemblies To be haldin be the said kirk and ministrie twyise ilk yeir as thay haif bene and ar presentlie in vse to do within euery province of this realme AND RATIFEIS and appreuis the presbyteries and particulare sessionis appointit be the said kirk with the haill iurisdiction and discipline of the same kirk aggreit vpoun be his Maiestie in conference had be his hienes with certane of the ministrie convenit to that effect Off the quhilkis articles the tennour followis MATERIS TO BE INTREATIT IN PROVINCIALL ASSEMBLEIS THIR assemblies ar constitute for

wechtie materis necessar to be intreatit be mutuall consent and assistance of brethrene within the province as neid requyris THIS assemblie hes power to handle ordour and redress all thingis omittit or done amiss in the particulare assemblies IT HES power to depose the office beraris of that province for gude and iust causes deserving deprivation And generalie thir assemblies hes the haille power of the particulare elderschippis quhair of thay ar collectit MATERIS TO BE INTREATIT IN THE PRESBITERIES THE POWER of the presbiteries is to give diligent laubouris in the boundis committit to thair charge That the kirkis be kept in gude ordour To enquire diligentlie of nauchtie and vngodly personis and to travell to bring thame in the way agane be admonitioun or threatning of goddis Jugementis or be correctioun IT APPERTENIS to the elderschip to tak heid that the word of god be puirlye preacht within thair boundis the sacramentis richtlie ministrat the discipline intertenyt and the ecclesiasticall guidis vncorruptlie distributit IT belangis to this kynd of assembleis To caus the ordinances maid be the assembleis provincialis Nationalis and generalis to be kept and put in executioun TO MAK constitutionis quhilkis concernis To *Πρετρον* in the kirk for decent ordour in the particulare kirk quhair they governe Provyding that thay alter na rewlis maid be the provincial or generall assembleis And that thay mak the provincial assembleis foirsaidis privie of the rewls that thay sall mak and to abolishe constitutionis Tending to the hurte of the same IT HES power to excommunicat the obstinat formale proces being led and dew intervall of tymes obseruit ANENT PARTICULARE KIRKIS Gif they be lauchfullie rewlt be sufficient ministeris and sessioun Thay haif power and iurisdiction in thair awin congregatioun in materis ecclesiasticall And decernis and declairis the saidis assembleis presbiteries and sessiounes Jurisdiction and discipline thair of foirsaid to be in all tymes cuming maist iust gude and godlie in the self Notwithstanding of quhatsumeir statutes actis cannon ciuile or mvnicipale lawes maid in the contrair To the quhilkis and euery ane of thame thir presentis sall mak expres dirogatioun . . . . ITEM the kingis Maiestie and estaittis foirsaidis declairis that the second act of the parliament haldin at edinburgh the xxij day of Maij The yeir of god <sup>JM<sup>v</sup></sup> lxxxiiij yeiris sall na wayes be preiudicall nor dirogat any thing to the priuilege that god hes gevin to the spirituall office beraris in the kirk concerning headis of religioun materis of heresie excommunicatioun collatioun or depriuatioun of ministeris or ony sic essential censouris special groundit and havand warrand of the word of god . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 9.

[1592, *cap.* 117.]

ANENT depositioun of vnqualifiet personis frome thair functionis and Beneficiois

OURE Souerane Lord considering the greit abuses quhilkis ar laitlie croppin in the kirk throw the misbehaviour of sic personis as ar prouidit to ecclesiasticall functionis sic as personages and vicarages within any parrochin and thairefter neglecting thair charge ather levis thair cure or ellis committis sic crymes faultis or enormities that thay ar fund worthie of the sentence of depriuatioun ather befor thair awin presbitery or ellis befor the sinodall and generall assemblies Quhilk sentence is the less regairdit be thame Becaus albeit thay be deprivit of thair functioun and cure within the kirk yit thay think thay may bruik lauchfullie the profitis and rentis of thair saidis benefices induring thair lyftymes Notwithstanding the said sentence of deprivation Thairfor our souerane lord with auise of the estaittis of his present parliament Declairis that all and quhatsumeir sentence of depriuatioun ather pronuncit already or that happynnis to be pronuncit heirefter be ony presbitery sinodall or generall assembleie aganis ony persone or vicare within thair iurisdiction prouydit sen his hienes coronatioun . . . . Is and salbe repute in all iugementis ane iust cause to seclude the persone befor providit and than deprivit frome all profitis commodities Rentis and deweties of the said personage and vicarage or benefice of cure And that ather be way of

actioun exceptioun or reply And that the said sentence of depriuatioun salbe ane sufficient cause to mak the said benefice to vaik thairby . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 10.

[1592, *cap.* 118.]

ANENT Manses and gleibis in cathedrall and abbay kirkis

OURE Souerane Lord with avise of the estaittis of this present parliament Statutes and ordanis that the actis of parliament maid of befor anent manses and gleibis to be gevin to ministeris of goddis haly evangell within this realme Sallbe vnderstand and extendit to all abbayes and cathedrall kirkis within this realme quhair na vther manse nor gleib pertening to persone or vicare wes of befor Sua that the ministeris presentlie admittit or quhilkis heirefter salhappin to be admittit to the office or cure of the ministrie within the said kirk selhaif ane sufficient manse and duelling place within the precinct of the abbay quhair he seruis Togidder with four aikeris of land of the best and maist commodious lyand contigue and maist ewest to the said manse quhilk pertenis or in any tyme of befor pertenit to the said abbay or ony member thairof Quhether the samyn land ly within the said precinct or outwith the same gif thair be samikle as may extend to the quantitie of four aikeris to be designit inhabite occupiet laubourit manurit conforme to the tennour of the actis of parliament maid of befor anent manses and gleibis to be gevin to the ministris of goddis word within this realme With speciall prouisioun that it salbe in the optioun of the abbottis priouris and vtheris prelattis and personis quhatsumeuir fewaris of the saidis cathedrall and abbay places ather to graunt ane manse to the minister within the precinct of thair place or ellis ane sufficient manse lyand alse ewest and commodious to the parroche kirk

---

CAP. 11.

[1592, *cap.* 119.]

AGANIS adulteraris

. . . . it is statute and ordanit be oure souerane Lord and estaittis of parliament foirsaidis That quhensoeuer ony woman Is or hes bene diuoreit fra hir lauchfull spouse for hir awin falt and offence of adultery and compleitis vnlauchfull and pretendit mariage with the same persone with quhome scho committit the said offence Or planelie and oppinlie duellis and resortis in cumpanie with him at bed and burde gif scho haif ony landis heretage takkis roumes or possessionis IT sall not be lauchfull to hir to dispone annalie and put away the same in all or in pairt Ather to hir said pretendit housband and adulterair or to the successioun proceeding of that pretendit mariage or carnall daill Nor to quhatsumeuir vther persone or personis in preiudice and hurt of the airis and successioun procreat vpoun the said first lauchfull mariage Or failyeing of thame of hir vther lauchfull aires quhatsumeuir nor to do ony deid directlie nor indirectlie that may hurte and preiuge thame thairin And declairis and ordanis that the airis and successouris of hir procreat in the said first lauchfull mariage and failyeing of thame hir vther lauchfull airis quhatsumeuir Ar and salbe hable to succeed to hir eftir hir deceis in the saidis landis heretage takkis roumes and possessionis Notwithstanding ony alienatioun or dispositioun maid in ony tyme bigane or to be maid heirefter in the contrair Quhilkis pretendit alienationis and dispositionis maid or to be maid in maner foirsaid Oure said souerane lord and his estaittis of parliament decernis and declairis to haif bene and to be null frome the begynning and

ordanis the said nullitie to be reassuit and admittit be way of exceptioun or reply But  
 ony proces or summoundis of reductioun alsweill befor the Lordis of counsaill and  
 session as befor the inferiour iuges in seruice of brevis and all vther actionis and  
 causes quhaireur the samin may occur . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

# CAP. 29.

[1592, *cap.* 127.]

CONCERNING the office of lyoun king of armes and his brether herauldis

(1) OURE Souerane Lord and estaitis of this present parliament Considerding the  
 greit abuse that hes bene amongis the leigis of this realme in thair bearing of armes  
 vsurpand to thame selfis sic armes as belangis nocht vnto thame Sua that it can nocht  
 be distinguischit be thair armes quha ar gentlemen of blude be thair antecessouris  
 Nor yit may it be decernit quhat gentlemen ar descendit of noble stok and linage ffor  
 remeid quhairof his hienes with aduise of the saidis estaitis hes gevin and grantit and  
 be this present act gevis and grantis full power and commissioun to lyoun king of  
 armes and his brether herauldis To visite the haill armes of noblemen baronis and  
 gentlemen borne and vsit within this realme And to distinguische and discerne thame  
 with congruent differences and thaireftir to matriculat thame in thair buikis and  
 Registeris And to put inhibitioun to all the commoun sort of people nocht worthie be  
 the law of armes to beir ony signes armoriallis That nane of thame presume or tak  
 vpoun hand to beare or vse ony armes in tyme cuming vpoun ony thair insicht or  
 houshald geir vnder the pane of the escheating of the guidis and geir sa oft as thay  
 salbe fund contravenand this present act quhaireur the same armes salbe found  
 grawin and paintit to our souerane lordis vse And lykwayis vnder the pane of ane  
 hundreth pundis to the vse of the said lyoun and his brether herauldis And failyeing  
 of payment thairof That thay be incarcerat in the narrest prissone Thairin to remane  
 vpoun thair awin chargis during the plesur of the said Lyoun

[*Sec. (2) rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

(3) ITEM In consideratioun of the greit abuse of messingeris and officiaris of armez  
 within this realme quhilkis for the maist part ar nocht qualifiet for vsing of the said  
 office Being admittit be extraordinar and Inoportune suittis Be quhais abuse the leigis  
 of this realme ar heavelie trublit and opprest Thairfoir It is statute and ordanit that  
 the said king of armez be aduise of the lordis of counsaill and session deprive and  
 discharge all sic officiaris and messingeris of armes as he sall find vnworthie of the  
 office and tak sicker souirtie of the remanent for thair obseruatioun of thair Iniunc-  
 tionis in tyme cuming With power to the said king of armez with aduise of the saidis  
 lordis to enioyne further necessar Iniunctionis to the saidis messingeris for keping of  
 guid ordour in thair offices . . . .

[*Sec. (3) in part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

[*Sec. (4) rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

(5) ITEM Last that becaus the Jurisdiction of the lyoun king of armez is nocht able  
 to execute dew pvnishment vpoun all personis that salhappin to offend in the office of  
 armez Thairfoir our souerane lord with auise of his estaitis in parliament Ordanis and  
 commandis all ciuile Magistratis as thay salbe requirit be the king of armez or ony  
 vtheris in his Name To concur with him To sie the actis maid in his fauouris of his  
 office put to dew executioun in thair iurisdictionis As alsua To concur with him to

the pvneismnt and incarceration of all sic personis as sall vsurp the bearing of his Maiesties armes efter dew deprivation vnder the pane of rebelloun and putting of the disobeyaris to his hienes horne With certificatioun to thame and thay failye being requirit lettrez salbe direct simpliciter to put thame to the horne

## CAP. 31.

[*Not in 12mo. edition.*]

FOR furthering of the kingis commoditie be the Mynes and metallis

OURE Souerane Lord vnderstanding that this lang tyme bygane Nather his Maiestie nor the cuntrie hes Importit ony commoditie of the mynis and metallis quhilk in great abundance might be easilie found in this realme to the interteynement and sustentatioun of ane greit nowmer of the liegis thair of And that the said inconvenient hes ensewit be resone Oure said souerane lord and his maist noble progenitouris wes in vse commonlie to sett the saidis haill mynis within thair dominionis to ane or tua strangearis for ane small dewtie quha nather haid substance to caus labour and wirk the hundreth pairt of ony ane of the saidis mynis nor yit instructed vtheris leigis of this realme in the knowlege thair of quhilk is mair nor notour be the doingis of the present takisman of the mynes quha nether wrikis presentlie nor hes wrocht thir mony yeiris bypast nor euir hes serchit socht nor discoverit ony new mettall sen his entrie nor hes instructit ony of the leigis of the cuntrie in that knowlege And quhilk is maist inconvenient of all hes maid na sufficient payment of the dewtie of his tak to oure souerane lordis thesaurair sua that na pairt of the said yeirlie dewtie is euir cum in the said thesauraris compt to his hienes vse and commoditie Quhairby Oure souerane lord and the haill cuntrie will sustene greit loss gif ane strangear sall bruik in this maner the haill mettallis within his maiesties dominionis but payment of ony dewtie ffor the space of xxj yeris altogidder Lyk as also in respect the richt of all mynis pertenis to his maiestie and his hienes predicessouris Thairfoir quhensoeuir ony myne or seme of mettall wes found be ony of the leigis of this realme the same wes ather neglectit or be all moyanis possible obscurit be resone that na pairt of the commoditie thair of might redound to thame selfis quhairby ane greit profite quhilk might haue bene gottin baith to oure souerane lord and als to the cuntrie wes allutirlie owir sene And now our said souerane lord vnderstanding the inconvenientis foirsaidis To haue procedit cheiffie becaus ther wes nocht ane speciall man of witt and knowlege appointit to quhais office propirly the owirsicht of the haill mater of the mettallis suld pertene And of quhome his Maiestie and estaitis might seik ane compt and resone of the administratioun of his said office that his mynis be nocht neglectit (as thay ar) dyuerse vtheris princes makand sa greit commoditie of the lyk . . . . And als oure souerane willing that all his Maiesties liegis quha will tak on hand to discouer and work the saidis mynis may haue reasonable profite and recompence of thair panis [and] a sufficient securitie maid to thame of thair awin mynis within thair awin landis And als vnderstanding that the dewtie of the said mynis quhilk baith of the commoun law and consuetude obseruit be vther foreign princes properlie pertenis to the prince Extendis onlie to the tent part fre Thairfore our said souerane lord with aulse of his estaittis in parliament hes dissoluit the saidis mynis and mettallis in safer as thay war part of his propirtie annext or ony wyis to the effect the same may be sett in few for augmentatioun of oure said souerane lordis rental And statutis and ordanis that it salbe lesum to his hienes and his successouris . . . . for reasonable composition to sett in few ferme to every erle lord barroun and vther frehalder within this realme all and quhatsumeuir mynis of gould siluer copper leid tin and vther quhatsumeuir mettallis or minerallis quhilk is or may be found within thair awin landis and heretageis with pouer to thame to seik and discouer lauboure and work the saidis mettallis and minerallis and to sell dispone or sett the mynis thair of in takkis or few . . . . to vtheris thair subtenentis at thair pleasure as thair proper gudis and heretage And with sic vther ample priuilegeis as oure said souerane lord

. . . . sall think expedient for the wining and working of the saidis mettallis be cuntrie men or strangearis Payand thairfore yeirlie the saidis Erlis Lordis barounis and vtheris quha sall accept the saidis fewis as said is to oure said souerane Lord and his thesaurare thair factouris and seruitouris in thair Name the Just tent part of all and hail the said Gould siluer copper leid tin and vtheris minerallis quhilk salbe found and gottin yeirlie within thair saidis landis and heretageis vpoun the ground quhair the same salbe found in sic vre and qualitie as the same salbe gottin out of the erth frelie but ony deductioun . . . . Provyding that in cace ony mynis being sufficientlie discoverit to be within ony of the landis pertening to ony subiect of this realme and the lord of the ground sufficientlie aduertesit thair of and lauchfullie requirit to work the same himself befor ane Notar and four witnesses as efferis gif he refusises or delayis the space of thre monethis thairefter Than and in that cace It salbe lesum to our said souerane lord to set the same in few or tak or vtherwyis to caus work the same or to mak rycht thair of to ony vther persone at his grace pleasure That be the wilfull refuse or delay of the awnar of the ground his grace and his cuntrie be not defraudit of the commoditie of the said myne And oure said souerane lord with aulse foirsaid of the parliament Declaris that this act of dissolutioun salbe perpetuall to last for all tyme cuming . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

CAP. 50.

[1592, cap. 134.]

ANENT the aige and qualities of the lordis of sessioun

BECAUS the nobilitie Erllis lordis and baronis auncient heretouris of landis levingis and possessionis vnderstude the institutioun of the college of iustice and lordis of sessioun To haue bene fra the beginning for decisioun of all ciuile actionis vnto the quhilk decisioun thair hail heretages landis levingis and possessionis ar subiect And that his hienes progenitouris institut the said college of cunning and wysemen Quhilk his Maiestie willing to continew according to his forbearis gude intentioun And to foirsie the corruptioun increscand in the said college in this later and declyning aige Declaris his hienes mynd be act of parliament that in all tymes theireftir quhen ony place suld waik in the sessioun That his Maiestie suld present and nominat thairto ane man fearing god Off gude literature practique Jugement and vnderstanding of the lawes off gude fame having sufficient leving of his awin and quha culd mak guid expeditioun and dispatch in materis tuiching the leigis of the realme And yit that it is requirit that his hienes guid intentioun be mair speciallie expressit toward the complaint of the chesing of young men without grauitie knowlege and experience vpoun the said sessioun nocht having sufficient leving of thair awin THAIRFOIR Oure said souerane lord with avise of the estaitis of this present parliament declaris that Nane salbe ressaut to ane place of ane senatour in the college of iustice Except he be sufficientlie tryit and knawin be his hienes and hail lordis of the sessioun That the said persoun to be presentit and ressaut haue in yeirlie rent propirlye pertening to him self the sowme of ane thowsand markis vsuall money of this realme or els Tuentie chalderis of wictuall And that his experience qualitie and conversatioun may be the better tryit that he be of the aige of tuentie fyve yeris at the leist complet in all tyme cuming vtherwayis his presentatioun and admissioun to be null . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 59.

[1592, *cap.* 141.]

THAT the Copies of lettres or chargis be subscrivit be the executor thairof

ITEM It is statute and ordanit that in all tyme cuming all copys of summondis and lettres quhilkis salbe deliuerit to ony pairtie be subscriuit be the officiar executour thairof

## CAP. 61.

[1592, *cap.* 143.]

THAT Compensatioun de liquido ad liquidum be admittit in all Jugementis

OURE Souerane Lord and estaitis of parliament statutis and Ordanis that ony debt de liquido ad liquidum instantlie verifiet be writ or aith of the partie befor the geving of decreit be admittit be all Jugis within this realme be way of exceptioun Bot nocht eftir the geving thairof In the suspensioun or in reducioun of the same decreit

## CAP. 62.

[1592, *cap.* 144.]

ANENT damage and expenses of pley

ITEM It is statute and ordanit that damage enteress and the expenses of pley maid and sustenit be the parties be altogidder admittit and liquidat be the decreit befor all Jugeis within this realme And speciallie quhen as the libell clame or petitioun ar provin be writ contenand damage enteress and expenses and vpoun registrat bandis obligationis and contractis summondis berand for the coistis and skaithis Quhilk will stay parties to be wilfull and obstinat pleyaris And this to be extendit alsweill to the defendaris obtenand absolutour as to the partiis persewaris obtenand decreit condampnitour

## CAP. 72.

[1592, *cap.* 152.]

ANENT deforceing and trubling of the kingis officiaris of armes

ANENT the supplicatioun gevin in to the kingis Maiestie and estaitis of parliament be his hienes aduocat in name of his Maiesties faithfull and trew subiectis within this realme Makand mentioun that nocht onlie his Maiesties officiaris of armes in putting of decreittis obtenit befor the Juges ordinar to executioun ar heavelie trublit be deforceing of thame in executioun of thair offices and stryking of thame to the effusioun of thair bluidis In hie and manifest contemptioun of our souerane lord and his hienes auctoritie and lawes Bot also ane new vnaccustomat contempt is laitlie cropin in and enterit within this realme That na persoun within the same nather officiaris of armes schireffis in that pairt may travell with frie access to execute ony summondis and lettres direct furth in his Maiesties name for summoning of ony persoun or personis To compeir befor the lordis of the college of iustice or vtheris Jugeis within this realme without hazard and perell of thair bodies To the greit

hinderance of iustice and preiudice of the trew subiectis of this realme quha ar willing to leve vnder his hienes obedience and to repair wrangis and Iniuries done to thame be ordour of law Beseikand heirfoir his Maiestie and estatis foirsaidis To haue consideration of the premises and to sett down the act of this present parliament That all personis salbe harmeless and skathles in executing of ony summondis lettres or precept and in putting of decreittis to executioun vnder sic panis and pvnishment as his Maiestie and the saidis estaitis thinkis maist expedient for the maintenance of iustice and pvnishment of the contempnaris thairof As the said supplicatioun at mair lenth proportis quhilk being red hard and considerit be his hienes and the saidis estaitis and thay thairwith being ryplie aduysit Oure souerane lord and his estaitis convenit in this present parliament ffor remeid of the dalie hurtis and Iniurys ressaut be officiariis of armes or schireffs in that pairt executand lettres or preceptis in our souerane lordis name and auctoritie Statutis and Ordanis that incaise ane officiar of armes or schireff in that pairt or vther persoun quhatsumeuer the tyme of the executioun of ony summondis lettres or preceptis direct be his hienes or vtheris Jugeis within this realme Or in putting of decreittis to dew executioun be deforceit in doing of the same or be molestit Invadit or persewit to the effusioun of thair bluid be the persoun or personis quhome thai sall be virtew thairof summond or charge or ony vtheris of thair caussing and command The deforcearis and persewaris of the officiariis and vtheris foirsaidis sall foirfalt amit and tyne all and quhatsumeuir thair guidis and geir moveable And the ane half thairof sall appertene to our souerane lord as eschaet And the vther half to the pairtie at quhais instance the saidis summondis lettres and preceptis ar direct and purchest Quhilkis executionis our said souerane lord and estatis foirsadis decernis and declaris to be lauchfullie and ordourlie execute nochtwithstanding the said deforcement and Invasioun of the saidis officiariis and vtheris abonewrittin to be committit in maner foirsaid the deforcement being first verifiet and prowien

## CAP. 75.

[1592, cap. 155.]

## ANENT the taxatioun of burrowis

ITEM Seing the Taxatioun and stentis vpoun the realme is multipliit quhairwith the burrowis ar verrie grytlie burdynnit Thairfoir IT is statute and Ordanit that all maner of personis inhabitantis of burrowis exerceand ony maner of traffique merchandice or having change within the same Sall beir thair pairt of all taxtis stentis and taxationis watching and warding in all dewties and seruices pertening to our souerane lord the weill of the realme and the vtilitie of the burgh And that without ony respect to be haid to ony priuilege discharge or executionis grantit be our souerane lordis predicessouris or be his hienes selff or to be grantit in tyme cuming be his maiestie Or his successouris To quhatsumeuir persoun or personis of quhatsumeuir qualitie Or from quhatsumeuir cause And Ordanis this to haue executioun Aganis all personis exerceand the trafficque of merchandise or vther change in ony of the burrowis of this realme quhether thay be admittit frie burgesses thairin or nocht Prowyding alwayes that it salbe lesum to his hienes nochtwithstanding of the said act to exeeme frome the saidis taxationis watching and warding Ane persoun of ilk craft for his hienes particuler vse and seruice Incace his maiestie find it guid and expedient to be done And siclyk that this act be nocht preiudiciall to the memberis of the college of iustice and to thair priuilegis and Immvnties grantit vnto thame Or quhairfoir thai haue bene in vse in tymes bygane

## PARLIAMENT AT EDINBURGH, 3RD APRIL 1593.

## CAP. 8.

[1593, *cap.* 165.]

ANENT the ministeris gleibis

ITEM Quhair thair hes bene na gleib of auld or quhair hes bene sum of auld yit it be far within the quantitie of four aikar of land That the designatioun to be maid of the persoun vicar abbot or prioress landis And falyeing thair of out of the bischoipis landis freiris landis or ony vther kirkland lyand within the boundis of the said parochie Ay and quhill four aikaris of land be compleit ITEM that the saidis gleibis be designit with fredome of fogage pasturage fewall faild dowatt loning frie ische and entrie and all vther preuilegis and richtis according to vse and wont of auld

## CAP. 9.

[1593, *cap.* 166.]

ACT for relief of ministeris that ar trublit be pensionaris or taxmen

FORSAMEKLE as sindrie ministeris quha hes bene in lang possessioun of thair stipendis be virtew of thair assignationis Ar trublit be pensionaris or takismen quha hes tane in tak gift or pensioun ather thair haill stipendis or ane greit pairt thair of and hes obtenit ratificatioun in parliament thairvpoun THAIRFOIR Oure souerane lord with auise of the estaitis of this present parliament Ordanis that all ministeris stipendis in tyme cuming be frie frome all takkis pensionis taxationis or impositionis quhatsumeur nochtwithstanding of ony gift or dispositioun maid in the contrair To the effect that the ministeris may bruik thair stipendis peceablie in all tyme cuming without ony trouble according to thair assignationis

## CAP. 12.

[1593, *cap.* 169.]

ACT that na particuler act of parliament sall preiuge the ministeris in thair levingis

OURE Souerane Lord with aduise of the estaitis of this present parliament having consideratioun how that the ministeris prouydit to ecclesiasticall functionis and leving of the kirk and serving the cure thairat hes bene and may be in tyme cuming havelie preiudgit in thair saidis ecclesiasticall levingis and rentis thair of be speciall actis and constitutionis maid in fauouris of certane particuler personis FOR REMEID thair of in tyme cuming hes statute and Ordanit that quhatsumeur act or constitution of parliament in tyme cuming efter the dait hei of be maid in fauour of ony particuler persoun quhairby the prouisioun of ony ministeris levingis may be tane away or in onyways preiudgeit directlie or indirectlie in thair saidis prouisionis rentis and proffettis thair of or ony pairt of the samyn That the same salbe in all tyme cuming null and of nane avall force nor effect except the saidis ministeris be callit vpoun thair prouisioun And the samyn in haill or in pairt reducit befor the Juge Ordiner

## CAP. 22.

[1593, *cap.* 177.]

ACT for pyneisement of thame that trublis the parliament session  
and vther Jugementis

IT is statute and ordanit . . . that quhasoeur sall stryk or hurt in ony tyme heireftir ony persoun befor our souerane lordis iustice or his deputtis sitting in Jugement Or within the Inner yett of the kingis palice quhair his hienes sall mak his residence for the tyme or within the vtter tolbuith of edinburgh the tyme that the lordis of session sittis for administratioun of iustice Sall incur the pane of death and salbe accusit criminallie thairfoir AND ALS STATUTIS and ordanis that quhasoeur at ony tyme heireftir sall stryk or hurt ony persoun befor the ballies of burghis commissaris schireffis ballies of royalties and regalities and vtheris inferiour iugeis within this realme thay or ony of thame sitting in Jugement Sall pay ane hundreth pundis to be employit at the discretioun of the Juge offendit and imprisone-ment of thair personis during the Juge will But preiudice alwayis of the privilegis grantit be quhatsumeur statute or actis of parliament of befor to the provest and ballies of burrowis or quhatsumeur Inferiour Jugeis AND LAST It is statute and ordanit that quhasoeur sall stryk or hurt ony Juge within this realme sittand in Jugement sall incur the pane of death and be accusit criminallie thairfoir

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 25.

[1593, *cap.* 179.]

THAT the wreittar insert his name in the body of the wreitt

OURE Souerane Lord and estaitis of this present parliament Vnderstanding perfytlie that falsettis increscis dalie within this realme And speciallie be the wreitting of the bodies of the contractis charteris obligationis reuersionis assignationis and all vtheris wreittis and eidentis be the hand write of sic personis as ar nocht commounlie knawin and ar nocht commoun notaris nor bruikis na commoun office as writtaris within this realme And gif the wreittar wer knawin the samyn wald gif greit licht to the triall of the treuth of the falsett of the said writ and eident THAIRFOIR his hienes with aduise of the saidis estaitis in parliament decernis and declaris That all originall charteris contractis obligationis reuersionis assignationis and all vtheris wreittis and eidentis to be maid heireftir sall mak speciall mentioun in the hinder end thairof befor the inserting of the witnesses thairin Off the name surename and particuler remaning place diocie and vther denominatioun of the wreittar of the bodie of the foirsaidis originall wreittis and eidentis vtherwayis the same to mak na faith in Jugement nor outwith in tyme cuming . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 34.

[1593, *cap.* 181.]

ACT for the better executioun of decreittis and actis in burrowis

ITEM Becaus thair is na executioun on burrow actis bot onlie warding and poynding quhilk is nocht onlie a greit truble to the magistratis bot hurt and defraud to the

pairtie In respect sindrie absentis thair geir vther respectis nocht warding And that the suting of lettres conforme is baith sumptuous to the persewar and hindesum The decreittis being gevin oftymes for small sowmes THAIRFOIR Oure said souerane lord with consent of the estaitis decernis that the lordis of counsaill and session Sall direct lettres of horning on all decreittis and actis gevin be provest and ballies of burrowis inter concies and all vtheris subiect vnto thair Jurisdiction vpon the sicht thair of and executioun of the officiar chargeing the pairtie To mak payment within xv dayes lyk as is grantit vpon commissaris preceptis And that the saidis lettres of horning proceed vpon ane sempill charge of Ten dayes allanerlie

## CAP. 39.

[1593, *cap.* 185.]

ANENT the commoun gude of burrowis

OURE Souerane Lord . . . with aduise and consent of the estaitis of this present parliament hes decernit concludit and ordanit and be thir presentis decernis concludis and Ordanis That the commoun guid and patrimonie of [all Burrowis within this Realme] salbe yeirlie bestowit at the sicht of the magistratis and counsell of the saidis burrowis To the doing of the commoun effayres thair of allanerlie . . . And that the samyn be na vtherways bestowit or convertit to quhatsumeuir vse or alteratioun maid thairanent in hail or in pairt . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## PARLIAMENT AT EDINBURGH, 22ND APRIL 1594.

## CAP. 8.

[1594, *cap.* 201.]

FOR the better observing of the sabboth day

ITEM Oure souerane lord and estaitis of this present parliament Ratifies and apprevis the actis maid be his hienes of befor anent the dischargeing of halding of mercattis on the sabboth day with this additioun That quhasoeuir prophanis the sabboth day be selling or presenting and offering to be sauld vpon the said day ony guidis or geir or quhatsumeuir vther merchandise be thame selfis or ony vther in thair name and beis thre seuerall tymes lauchfulie convict thair of ather befor the provest and baillies within burgh quhair the prophanatioun salhappin to be committit Or befor certane commissioneris and iustices in euerie presbiterie to be appointit be the kingis maiestie with auise of his privie counsell Thair hail guidis and geir salbe escheatit to his hienes vse and thair personis pvnist at the will of his maiestie with auise of his secreit counsell

## CAP. 9.

[1594, *cap.* 202.]

FOR releif of thame quhais landis ar or sall be designit for manses  
and gleibis To ministeris

OURE Souerane Lord and estaitis of this present parliament Vnderstanding thair ar sindrie fewaris and possessouris having kirklandis neir adiacent to the kirk quhair thair hes bene na mansis nor gleibis of auld nor yit designit of new And Considering [that it wer baith against reasone and gude conscience] that thair suld be ane gleib designit onlie of the saidis kirklandis that pertenis to ane feuar and possessour and nocht of the rest And speciallie quhair the haill landis within the parochin or ane greit pairt of the saidis landis ar alyk haldin of the kirk and payis the like dewtie THAIRFOIR to the effect that the ministeris may be the better ansurit of thair manses and gleibis in tyme cuming and enter thairto but ony truble or contentioun Conforme to the former act of parliament maid anent manses and gleibis of the ministeris Statutis and ordanis that quhair designatioun of manses and gleibis beis maid and tane of kirkland (the haill parochin or ane greit pairt thair of being kirkland And the minister nochtwithstanding designit to the kirkland maist ewest and adiacent to the kirk) That the fewaris possessouris and takismen out of quhais landis the manses or gleibis ar designit salhaue thair releif of the remanent parochinaris quha ar fewaris possessouris and takismen of kirklandis liand within the said parochin pro rata

## CAP. 22.

[1594, *cap.* 212.]

ANENT the declynyng of the senatouris off the college of iustice quha ar father  
brother or sone to the pairties

OURE Souerane Lord with auise of his estaitis in this present parliament Statutis and Ordanis that na senatouris of the college of iustice ordiner or extraordinar sall sitt or vote in ony actioun or caus intendit or to be intendit befor thame quhair the parties persewer or defender is ather thair father brother or sone Sua that the father sall on nawyse be Juge in the sonas caus the sone in the fatheris caus nor the brother in the brotheris bot be declynit thairin

## CAP. 24.

[1594, *cap.* 218.]

THAT nane salbe compellit to produce procuratories or instrumentis of resignatioun preceptis of clare constat or vther preceptis of sesing of landis or annuelrentis possessit be thame befor the space of fourtie yeiris

OURE Souerane Lord and estaitis of this present parliament Vnderstanding that sindrie of his hienes leigis ar heretable infeft in diuers landis and annuelrentis within this realme Lyk as thair predicessouris and authouris fra quhome thair richt thair of proceedis hes bene heretable infeft in the same landis and annuelrentis And be verteu of thair seuerall infetmentis and lyfrentis thairin reseruit Thay and thair predicessouris and authouris (ffra quhome thair richt thair of proceedis) hes bruikit the foirsaidis landis and annuelrentis be the space of fourtie yeris togidder nochtwithstanding quhair of the saidis infetmentis maid and grantit to thame and thair predicessouris and authouris Ar sindrie tymes drawin in questioun for laik and want of procuratories of resignatioun instrumentis of resignatioun preceptis of clare constat Or vtheris preceptis of sasing quhilkis ar nocht extant to be producit and vsit In

respect that the same ar tint and amittit pairtlie be Iniquitie of tyme pairtlie be perisching of prothogollis and scrollis of notaris pairtlie for nocht deliuering of the samyn be the personis sellaris and disponeris thair of pairtlie becaus the euidentis of Comprysit landis vais to be abstractit and withaldin vpoun malice of pairties and pairtlie as euidentis nocht thocht necessar to haue bene kepit efter sa lang tyme Be resone that the charteris makis mentioun of the procuratories and instrumentis of resignationis and instrumentis of sasing makis mentioun of the preceptis of sasing quhairvpoun the samyn proceedis FOR REMEID quhair of Oure said souerane Lord with auise of the saidis estaitis and hail body of this present parliament findis decernis and declaris that nane of his hienes leigis may be compellit efter the space of fourtie yeiris To produce procuratories or instrumentis of resignatioun preceptis of clare constat Or vtheris preceptis of sasing of landis or annuelrentis quhair of the present heretable possessouris and thair predicesouris and authouris and vtheris personis be verteu of lyfrentis reseruit in the saidis infetmentis Ar and wes in possessioun be the space of fourtie yeiris togidder And that the wanting and inlak thair of nor nane of thame salbe na caus of redutioun of the infetmentis grantit to the proprietaris or thair predicesouris or authouris of the landis or annuelrentis quhair of the charter or charteris (makand mentioun of the resignatioun or resignationis to haue bene maid) and the instrument of seasing (makand mentioun of the preceptis of sasingis be verteu quhair of the sasingis wer gevin) ar extant And willis statutis and Ordanis that this act salbe extendit to all procuratories and instrumentis of resignatioun preceptis of clare constat or vtheris preceptis of sasingis The wanting and inlak quhair of and nane of thame salbe na caus of redutioun nor vther quarrell quhatsum-euir efter the space of fourtie yeiris quhair infetmentis hes tane effect be possessioun be the said space of fourtie yeiris in maner abone rehersit And quhair the charteris and instrumentis of sasing ar extant as said is

---

CAP. 26.

[1594, cap. 220.]

ANENT the bying of landis and possessionis dependand in pley be Jugeis or memberis of courtis

OURE Souerane Lord and estaitis of this present parliament Statutis and ordanis that in tyme cuming It sall nocht be lesum to ony lordis of sessioun ordiner or extraordinier aduocattis Clerkis writtaris thair servandis Or ony vther member of the college of iustice or ony inferiour Jugementis within this realme thair deputtis clerkis or aduocattis directlie or indirectlie be thame selfis or ony vtheris in their names to thair behuif or vtilitie To by ony landis teyndis rowmes or possessionis quhilkis ar dependand in contraversie or questioun betuix ony pairties Or hes bene dependand and nocht as yit decydit Quhilkis gif thai or ony of thame do and contravenis the premissis the saidis lordis of sessioun aduocattis clerkis writtaris thair servandis Or ony vther member of the college of iustice or ony inferiour iugementis within this realme thair deputtis clerkis and aduocattis sall amit and tyne thair office place and all priuilegies and Immvnties bruikit or that may be bruikit be thame be verteu thair of

---

CAP. 27.

[1594, cap. 217.]

THAT caution be found in actionis of electioun

OURE Souerane Lord with auise of the estaitis of this present parliament Vnderstanding the greit disordour quhilk hes aysen and daly dois aryse among his hienes

leigis quhar as personis wrangouslie intrusing thame selfis in the rowmes and possessionis of vtheris be bangstre and force being altogether vnresponsall thame selfis mantenis thair possessioun thair of And quhen thai ar challengit befor the lordis of the sessioun or vther Jugeis ordiner be the pairtie grevit The personis intrusaris of thame selfis in sic possessioun delayis the mater be proponing of peremptour exceptionis quhilkis ar nocht of veritie and delayis vpoun the probatioun thair of And efter lang pley quhen as the pairtie grevit hes gottin decreit Ordaning him to be repossessit to his rowme and proffittis thair of his pairtie being vnresponsall altogider gettis na commoditie thair of for remeid of the quhilk It is statute and Ordanit that in all tyme cuming the pairtie persewit be ane vther for eiection sal find caution for the violent proffittis as in causes of removing the first dyet of the litiscontestatioun or vtherwis decreit to be gevin ordinand the pairtie to be repossessit

## CAP. 30.

[1594, cap. 224.]

## FOR pvnishment of parricide

OURE Souerane Lord and estatis of this present parliament Vnderstanding the abhominable and odious crueltie that hes bene at sumtymes heirtofor vit within this realme be children aganis thair parentis in murthuring of thame and takand of thair lyves maist vnnaturally Hes thairfor statute and Ordanit that quhatsumeir he be that hes slayne or sall heireftir slay his father or mother guidschir or guddame and hes bene alreddie or salbe heireftir convict be ane assyise The committaris of the said cryme and his posteritie in linea recta salbe disheresit in all tyme heireftir fra thair landis heretages takis possessionis And the samyn sall apertene to the nixt collateral and narrest of blude quha vtherwayes nicht succed falyeing of the richt lyne

## CAP. 35.

[1594, cap. 225.]

## ANENT the priuilegis of burrowis

OURE Souerane Lord with auise of his estaitis in this present parliament Ratifies apprevis and confirmis the act and statute maid in his hienes parliament haldin at edinburgh vpoun the fyft day of Junij the yeir of god JM V<sup>o</sup> fourscoir tuelf yeiris In fauouris of the frie burrowis of this realme and thair liberties and priuilegis aganis vnfrie traffickeris and anent vsing of craftis in all the suburbis of the saidis burowis Speciallie bering that all maner of personis inhabitantis of the saidis burrowis exerceand ony maner of traffique in merchandise or having exchange within the same Sall beir thair pairt of all stentis and taxationis watching and warding in all dewties and suites per-tening to our souerane lord the weill of the realme and vtilitie of the burgh as at lenth is contenit in the said act and all clauses and condicionis thairin contenit with this additioun that the samyn salbe extendit to all merchandis or craftismen alsweill frie as vnfrie that hes na vther duelling place bot within burgh and hes thair commoditie within the same burgh and beris na burding of taxatioun without the same burgh

## CAP. 36.

[1594, cap. 226.]

## ANENT the vphalding of decayed landis within burgh

OURE Souerane Lord with auise of his estaitis in this present parliament Ratifies and apprevis the actis and statutis maid be his hienes maist noble progenitouris of

worthie memorie concerning the vphalding of landis gevin in coniunct infetment alaweill to burgh as land and for the better executioun thairof and reparatioun of the decayed policie within burgh Statutis and Ordanis That the provest and baillies of ilk burgh Sall at the instance of the heretouris of the landis within the same vpoun citatioun of pairtie tak summar cognitioun of the estait of the landis houses or tenementis within the burgh be ane condigne inquest of the nichtbouris thairof And gif the samyn be found auld decayed and rwinous in ruif sklattis durris windois fluringis loftis tymer wark and wallis or ony of thame And ane [land] biggit of auld and throw lang tyme decayed in sic sort that it be alreddie inhabitable or that within schort tyme may becum inhabitable In that cace To decerne that the coniunctfear or lyfrenter sall repair the saidis landis and tenementis in the partis thairof decayed as salbe fund be the said inquest within the space of yeir and day nixt efter thai be requirit thairto be the heretouris and falyeing thairoff declaris that it salbe frie to the saidis heretouris To enter to the possessioun of the same To haue the setting rasing vsing and disponing thairvpoun in all tymes cuming as gif thair wer na lyfrent or coniunctfie standing thairof prouyding alwyas that sufficient securitie [in the burgh] quhair the landis or tenementis lye be tane for termelie payment to the coniunctfearis or lyfrentaris thairof induring thair lyf tyme of sic maill and dewtie as the same presentlie gevis the tyme of the said cognitioun or nicht resonnable gif in that estait incace it be nocht presentlie sett deduceand alwayes the annuellis and vther burding lyand thairvpoun And This to be extendit to all brunt and waist landis and aganis all coniunctfearis present and to cum within burgh

---

PARLIAMENT AT EDINBURGH, 1ST NOVEMBER 1597.

CAP. 3.

[1597, *cap.* 232.]

KIRKYARD dyikis suld be biggit

OUR E Souerane Lord and estaitis in parliament Statutis decernis and ordanis That all parochineris of euerie paroche kirk within this realme Build and repair the kirkyard dyikis of thair awin paroche kirk with stane and mortour to the heiche of twa ellis And to mak sufficient stillis and enteres in the saidis dyikis to pas to the kirk and kirkyard thairof And ordanis the lordis of the sessioun to direct and gif lettres and chargis thairvpoun in forme as efferis

---

CAP. 17.

[1597, *cap.* 250.]

ALL fewis may be decernit null ffor nocht payment of the dewtie albeit na provisioun be maid thairanent in the infetment

OUR E Souerane Lord and estaitis of this present parliament haveand consideratioun of the great dampnage and skayth quhilk his maiestie and liegis of this realme sustenis throuch ewill and vntymous payment of the few dewteis of thair landis sett in fewferme Thairfor statutis and ordanis that incas it salhappin intymeumming ony wassell or fewar haldand landis in fewferme of our souerane lord or of ony vther superiour Immediatlie in fewferme to failie in making of payment of his few dewtie to our souerane lordis comptroller or vther haveand powar of him or to vther Immediat superiour or vtheris haveand powar of him be the space of twa yearis hail and togidder that they sall amit and tyne thair said few of thair saidis landis conform to the ciuill and cannoun law Siclyk and in the samin maner as gif ane claus Irritant war speciallie ingrossit and insert in thair saidis infetmentis of fewferme

## CAP. 40.

[1597, cap. 273.]

THE panis of Law burroues Suld be payit be him quha for his dissobedience is denunceit Rebell The cautioner may be Perseuit or the Principall

OURE Souerane Lord and estaitis of Parliament statutis and ordanis that the panis of contrauentioun salbe payit be the Principall pairtie That is chairgeit to find Law-borrouis albeit he passe to the horne and find not caution And gif he find caution That baithe he as Principall and als his cautioner salbe subiect to the payment thair of at the optioun of the Perseuar as in all vthair pecuniall obligationis

## CAP. 41.

[1597, cap. 274.]

THE Paine of the generall band is deuidit betuix the king and the Pairtie

OURE Souerane [Lord] and estaitis of Parliament statutis and ordanis that the Panis of contrauentioun of the generall band salbe deuidit betuix the king and the pairtie in all tyme cuming

## PARLIAMENT AT EDINBURGH, 1ST NOVEMBER 1600.

## CAP. 22.

[1600, cap. 13.]

ANENT hornyngis

OURE Souerane Lord and Estaittis of this present parliament Considering the great expensis and fascherie the lieges of this Realme sustenis be seiking of ane notar and four witnesses To the Registratioun of all lettres of horning relaxationis Inhibitionis and Interdictionis in the schireffis bailleis or stewartis buikis within this Realme And als sustenis great delay be seiking of the clerkis quha suld registrat the samyn THAIRFOIR ourre souerane Lord and Estaittis forsaidis . . . decernis and declaris the samyn lettres quhilkis ar or sall be registrat in the said schireffis bailleis or stewartis buikis be the clerk thair of Or be the clerk of register and his deputtis in the buikis of counsaill Sall be valide and sufficient in the self And sall mak faith in Judgement or outwith in all tyme cumming

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 23.

[1600, cap. 14.]

THE negligence of the kingis officiaris may be supplyit be thair successouris

OURE Souerane Lord and Estaittis of parliament statutis and ordinis That the sleuth and negligence of ony of his hienes officiaris In the persewing or defending of ony of his actionis or causes in ony tyme bigane or to cum Sall nawayes be preiudiciall or hurtfull to his hienes bot that he and his officiaris successouris in that office May without ony ordour of reduction and be way of exceptioun or reply vee and propone

all and sindrie excoptionis replyis and defenses competent of the law quhilkis wer willinglie or negligentlie omittit be thair predecessouris And thairby supplie quhatsumeur thing that hes bene neglectit or omittit be thair saidis predecessouris To the effect That his hienes and his crowne be nawayes hurte nor preiudgeit be negligent officiaris And that the benefitt of his lawes may be competent to him at all tymes quhair It sall pleis him and his officiaris to crave and vse the samyn

## CAP. 29.

[1600, *cap.* 20.]

## ANENT the mariage of adulterous personis

OURE Souerane Lord with advyse of the estaittis of this present parliament decernis all mariages to be contractit heireftir be ony persones divorceit for thair awin cryme and fact of adulterie frome thair lauchfull spouses with the persones with quhome they ar declarit be sentence of the ordinar Judge To haue committit the said cryme and fact of adulterie To be in all tyme cumming Null and vnlauchfull in thame selfis And the successioun to be gottin be sic vnlauchfull coniunctionis To be vnhabill to succede as airis to thair saidis Parentis

## CAP. 30.

[1600, *cap.* 21.]

REGISTERIS of the schirefclerkis to be markit be the Clerk of Register and his deputtis and thair extractis to be markit be thame selfis

THAT all and quhatsumeur schireff clerkis in all tymes heireftir Sall present thair Registeris to the Clerk of Register to be markit be him and his deputtis And quhatsumeur Registratioun to be subscryuit be thame vpoun quhatsumeur lettres togidder with quhatsumeur extractis sall be gevin furth thair of To ony persone Sall contene in all tyme cumming the leaf quhairin the samin is registrat . . . . And that nane of thame subscryve thair registratioun vpoun ony letter or give furth ony extract subscryvit be thair hand . . . . vnspecefeing the leaf quhairin the same is contenit within thair buik markit as said is Vnder the pane of ane hundreth merkis money toties quoties But preiudice alwayes of the horningis quhilkis the saidis clerkis omissioun or neglect in this behalf sall nawayes mak Invalide

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## PARLIAMENT AT EDINBURGH, 9TH JULY 1606.

## CAP. 1.

[1606, *cap.* 1.]

## ACT anent the kingis maiesteis prerogatiue

FORSAMEKLE as the Estaittis and baill bodie of this present parliament Considering that with the lauchfull discent in the persone of our most gracious Souerane of the richteous inheritance of the famous and renowned kingdomes of England france and Irland quhilk verie far surpassis the wealth power and force of the dominionis of ony of his progenitouris kingis of Scotland God hes also Joynit ane wonderfull increse of Cair and burding ffor discharge quhair of he hes endowed his maiestie with

sa mony extraordinar graces and maist rare and excellent vertues As he is nocht onlie knawin by daylie and Manifest experiences in materis of greatest difficultie and consequence To the vnspcakable conforte of all his faithfull subiectis To be capable of the happie gouernament of his saidis kingdomes Bot be his maist singular Judgement foirsicht and princelie wisdomie worthie to posses and habill to gouerne far greater dominionis and Numberis of people And inrespect thairof The saidis estaittis of parliament persaveing that be his maiesteis exaltatioun nocht onlie in preeminence and power bot also in all royall qualiteis requisit for the happie discharge thairof God hes manifestlie expressit his heavinlie will To be That his maiesteis Imperiall power quhilk god hes sa gratiousslie enlarged Sall nocht by thame in ony sorte be Impared prejudged or dimissed bot rather revered and augmented sofar as possible they can THAIRFOIR the saidis Estaittis and haill bodie of this present parliament all in ane voluntar humbill faithfull and vnited hairt mynd and consent Trowlie acknowleges his maiesties souerane authoritie princelie power royall prerogatiue and privilege of his Crowne Ouer all estaittis persones and causes quhatsumeuir within his said kingdome And his maiestie with express advyse consent and assent of the saidis haill Estaittis Ratefeis appreves and perpetualie confermis the samyn Als absolutlie ampie and frelie in all respectis and considerationis As euir his maiestie or ony of his royall progenitouris kingis of Scotland in ony tyme bigane possessed vsed or exerceed the same And lykwayes with consent foirsaid Cassis annullis abrogattis retseittis and rescindis All and quhatsumeuir thingis attempted enacted done or heireftir to be done or Intendit To the violatioun hurte derogatioun Imparing or prejudice of his hienes souerane authoritie Royall prerogatiue and privileges of his crowne or ony point or pairt thairof In ony tyme bigane or tocum And the saidis haill Estaittis for thame selffis and thair successouris faithfullie promittis Perpetualie to acknowledge obey mantene defend and advance the lyfe honour saiftie dignitie souerane authoritie and prerogatiue royall of his sacred maiestie his airis and successouris and privilege of his hienes Crowne with thair lyves landis and gudis to the vttermest of thair power And constantlie and faithfullie to withstand all and quhatsumeuir persones poweris or estaittis quha sall presume preas or Intend onywayes to Impugne prejudge hurte or Impair the same And nevir to cum in the Contrair thairof directlie nor Indirectlie in ony tyme cummyng

## CAP. 6.

[1606, cap. 7.]

## ANENT glebis in pasturage and sowmes grass

OURE Souerane Lord and Estaittis of this present parliament vnderstanding that be the act of parliament Anent the designatioun of manses and glebis to Ministeris IT is ordinit that thair sall be four akeris of land designat to ilk Minister for his gleib Nixt adiacent to the kirk And seing that by the Iniquitie of tyme and disordour of the bordouris and hielandis of this realme in tyme bigane Thair ar sindrie kirkis within the samin quhilkis hes na arrable land adiacent thairto bot onlie pasturage Sua that be the foirsaid act of parliament maid anent the designatioun of four akeris of land onlie for the gleib of ilk Minister and na forder The Ministeris serueing the Cure at sic kirkis as hes na arrable land adiacent thairto bot onlie pasturage Ar greatumlie hurte and defraudit FOR REMEDE quhairof it is statute and ordanit That in all tyme cumming Thair be designit to the Ministeris serueing the cure at sic kirkis quhair thair is na arable land adiacent thairto four sowmes gress for ilk aker of the saidis four akeris of gleib land Extending in the haill to sextene sowmes for the said four akeris And that of the maist commodious and best pasturage of ony kirklandis lyand nixt adiacent and maist Ewest to the saidis kirkis And ordinis lettres to be direct aganis the possessouris thairof for removeing thairfra in the samyn forme as is appointit be the foirsaid act of parliament maid Anent designatioun of Manseis and gleibis of befoir

## CAP. 9.

[1606, *cap.* 10.]

ACT Anent directing of Lettres of hornynge on schireffis stewartis  
and baillies decreittis

OURE Souerane Lord and Estaittis of this present parliament ordinis for the greater forderance and better executioun of Justice to all his Maiesteis lieges And eschewing of the superfluous and vnnecessar charges quhilk they sustene by pointing on decreittis obtenit befor schireffis stewartis and baillies alsweill of Royaltie as regalitie That the lyk lettres and executioun of horning be direct and grantit be the Lordis of Sessioun vpoun all actis decreittis and Sentences of schireffis stewartis and bailleis alsweill of royaltie as regalitie As is grantit and direct vpoun decreittis actis and sentences of provestis and bailleis within burgh Conforme to the act of parliament maid thairanent and eftir the forme and tennour of the samyn in all pointis

## CAP. 12.

[1606, *cap.* 13.]

ANENT laying of lynt in Lochis

OURE Souerane Lord and Estaittis of parliament finding that the laying of Lynt in lochis and burnis Is nocht onlie verie hurtfull to all fisches bred within the samyn And bestiall that drinkis thair of bot also the haill watteris of the saidis lochis and burnis thairby being infectit Is maid altogidder vnprofitable for the vse of man And verie noysum to all the people duelland thairabout Thairfoir statutis and ordinis that na persone nor persones in tyme cumming lay in lochis and rynnand burnis ony grene lynt vnder the pane of fourtie schillingis toties quoties for ilk tyme they sall controvene And als confiscatioun of the lynt To be applyit to the puire of the parochin within the quhilkis the saidis lochis and burnis lye And be the tennour heirof Geves power to the sessioun of the kirk of ilk parochin To trye cognosce and put this present act to executioun And to vplift the vnlawis and to confische and dispoone vpoun the said lynt to the weill of the pure of the parochin as said is And ordinis Lettres of publicatioun to pas heirvpoun in forme as efferis

## CAP. 16.

[1606, *cap.* 17.]

ACT for staying of all vnlauchfull conventionis within burgh and for assisting  
of the magistrattis in the executioun of thair offices

OURE Souerane Lord and Estaittis of this present parliament Ratefeis and appreves all and quhatsumeuir actis maid heirtofor be his maiestie and his hienes progenitouris and the Estaittis of the Realme for staying of all tumultis and vnlauchfull meitingis and convocationis within burght And ordinis the samyn to haue effect and to be put to dew executioun aganis the controvenaris thair of in all pointis with this additioun that na persone nor persones within burgh of quhatsumeuir rank qualitie or conditioun they be of presume or tak vpoun hand fra this furth vnder quhatsumeuir collour or pretext To convocat or assemble thame selfis togidder at any occasioun Except they mak dew Intimatioun of the lauchfull causes of thair meitingis To the provest and bailleis of that burght and obtene thair licence thairto Sua that nathing be done or attemptit be thame in thair saidis meitingis quhilkis may tend to the derogatioun or violatioun of the actis of parliament Lawis and constitutionis maid for the weill and

quietnes of the saidis burghis Declaring be thir presentis the saidis vnlauchfull meitingis and the persones present thairat To be factious and seditious and all proceedingis thairin to be null and of nane availl And the saidis persones to be pvnischit in thair bodeis gudis and geir with all rigour conforme to the lawes of this realme And to the effect the saidis vnlauchfull meitingis with all vtheris tumultis trublances and pleyis that salhappin to fall out within the saidis burrowes may be substantiously suppressit Ordanis the haill inhabitantis of the saidis burrowes at all ocasionies To reddelie assist and concur with the magistratis and officiaris thairof for satling of the saidis tumultis and trublances And pvnischeing of the authouris and movearis thairof And sic as sall nocht Assist and concur with the saidis magistratis redelie or thair officiaris for redding and satling of the saidis tumultis and trublances as said is Sall be repute and haldin as fosteraris and mantenaris of the saidis tumultis and pvnischit thairfoir in thair persones and vnlawit in thair guidis at the arbitrimet of the Magistrattis and Counsaill of the said burgh And ordinis publicatioun to be maid heirof at the marcat croces of the saidis burrowes that nane pretend Ignorance thairof

---

PARLIAMENT AT EDINBURGH, 18TH MARCH 1607.

CAP. 6.

[1607, cap. 3.]

ACT Anent woddis parkis planting dowcattis et cetera

OURE Souerane Lord and Estaittis of this present parliament Considering how woddis parkis and all sorte of planting and hanyng decayes within this realme And how dowcattis ar brokin bees stollin mennis propir lochis and stankis heryit To the great hurte and prejudice of the countray and decay of policie THAIRFOIR Ratefeis and appreves all actis of parliament maid of befoir for conseruatioun of planting and policie and aganis brakeris of dowcattis steiling of beis and of fisches furth of mennis stankis and propir Lochis In the haill pointis articlis and clauses thairof And ordinis the samin to be put to executioun aganis the Controveneris thairof And forder the saidis Estaittis Statutis and Ordinis that quhasoeuir shall be fundin heireftir To brak doun his nieighbouris woddis and park dyikis fences stankis or closouris to pasture within the saidis fences Cutte treis browme or shear grasse within the same or yit brakis dowcattis Steillis Beis and fisches in propir stankis and loches Shall be callit and convenit thairfoir as a braker of the Law ather befoir the privie counsaill or ony vther ordinar magistrat within this realme at the optioun of the partie complenar And the penaltie to be Imposit and takin of the Controvenaris befoir the saidis ordinar Inferiour Judges Aucht nocht to exceid the sowme of fourtie pundis of this Realme And the secrete counsaill to Impose sic penalteis aganis the controvenaris of this present act as eftir tryell tane in the cause they sall find the offender to merite and deserue But prejudice alwayes of putting of all former actis maid anent the premises to executioun eftir the forme and tennour thairof

---

CAP. 13.

[1607, cap. 6.]

ACT in faouris of the frie burrowis Regall aganis vnfremen

OURE Souerane Lord and estaittis of this present parliament Ratefeis apprevis and confermis all actis Lawes decreittis and privileges grantit or gevin in faouris of his hienes frie Royall burrowes And . . . . statutis and ordinis . . . . that lettres of

horning be direct vpoun all actis and decreittis of burrowis gevin at thair Conventiounis betuix burgh and burgh and burgesses of frie burrowes vpoun ane simple charge of Ten dayes without calling of partie

[*In part rep.*, 6 Ed. 7 c. 38 (*S.L.R.*).]

# CONVENTION AT EDINBURGH, 27TH JAN. 1609.

## CAP. 22.

[1609, *cap.* 15.]

Act ordenning Letteris of hornying to be direct vpoun admirallis decreittis

FORSAMEKLE as be the act of parliament maid at perth in the moneth of Julij 1606 IT was then statute and ordanit in all tyme commyng that all decreittis gevin be shireffis commissaris bailleis of Regaliteis bailleis of baileries and stewartreis should pas and haue executioun of horning vpoun ten dayes warning As at mair lenth is contened in the said act wheirin their wes the tyme of the passing theirof omitted and nocht expressed thairin The decreittis to be gevin by the admirall of this realme and his deputtis whilk being a souerane Judicatorie in it self and of its awin nature Importing summar executioun OURE SOUERANE LORD and Estaittis presentlie Convened In Consideratioun that the Insufficiencie corruptioun and defectis whilkis wer in the Deputtis and memberis of these courtis in former tymes And wheirby these Judicatoreis wer thocht nocht worthie of that fauour Is now helpit and weill amendit by the planting of hable worthie and sufficient men in their places Hes inacted statute and ordanit That siclyk executioun of horning pas vpoun all decreittis to be gevin be the said great admirall and his deputtis in tyme commyng As vpoun ony of the saidis schireffis Commissaris or vther Inferiour Judges decreittis Conforme To the said act of parliament maid theiranent of befor

# PARLIAMENT AT EDINBURGH, 12TH OCT. 1612.

## CAP. 7.

[1612, *cap.* 7.]

ANE Act allowing hornying vpoun ane sympill charge of fyftene dayes tobe direct vpoun Commissars decretis

OURE Souerane Lord be aduise of the thre Estaittis of Parliament Ordanis and statutis That the decretis and sentences of all Commissars within this Kingdome Receve siclyke executioun be hornying as the decretis of Schireffis admirallis stewards and Baillies of burgh And that the Lords of Sessioun vpoun the sight of the acts and decretis of the saidis Commissars or thair preceps Lauchfullie execute be thair officers bearing the partie to haue bene chargit vpoun fyftene dayes direct Lettrez of hornying vpoun ane simpill charge of fyftene dayes as in the cases foirsaidis and conforme to the act of parliament maid in thair fauouris

## PARLIAMENT AT EDINBURGH, 27TH MAY 1617.

## CAP. 3.

[1617, cap. 3.]

ANENT the plantatioun of kirkis

OURE Souerane Lord Considering that thair be dyuers kirkis within this kingdome not plantit with ministeris Quairthroch ignorance and atheisme aboundis amangis the people and that monye of these that ar plantit have no sufficient prouisioun nor mantinance appoynted to thame wherebye the ministeris ar keipit in povertie and contempt and can not frutefullie travell in thair chargis Considerding also that no thing is more properlie belonging to his princelie Care then to see to the goode estate of the kirkis within his dominiones out of that zeale whiche his Maiestie beiris to the promoveing of the kingdome of christ And for ane perfyit remedie of these evillis with aduyse and consent of the estaitis of parliament Hes grantit full power and Commissioun to the Lord chancellor for the tyme and to the reuerend fatheris in god Jhonne Archiebischope of Sanctandrois James archbischope of glasgow alexander Bischope of dunkeld alexander Bischope of Abirdene Alexander Bischope of Murray Patrik bischope of Ross Adame bischope of dumblane and williams bischope of galloway Eight persones nominat for the Clergie and prelatitis and incace of the deceis of any of thame to Andro bischop of brechin george bischope of orkney Andro bischope of Argyll and John bischope of Cathnes whiche foure persones His Maiestie and estaittis hes nominat to supplie and becum in the place off anye of the vther eight foirsaidis gif any sall happin to deceis before this Commissione be finischit To wit the first of the four in place of the first of the Eight deceissand and so in ordour successiely as thay ar namit And to Johnne Earle of Mar Lord thesaurer James marques of hammiltoun James Earle of Abircorne williams erle of Tullibardin Robert Earle of Roxburgh John vicecount of lauderdaill Thomas lord Binning and dauid lord off Carnegye Eight persones nominat for the nobilitie And incace of anye of thair deceiss to alexander Lord Elphinstoun nominat to becum in the place of the first deceissand alexander erle of eglington in the second Jhonne erle of Peirthe in the third and Jhonne lord Balmerinocht in the fourth And to the Commissioneris vnderwrittin nominat for the barrones To witt williams douglas of Drumlangrig Sir walter dundas of that ilk Sir James halieburtoun of pitcur Sir Jhonne hammiltoun of Lettrik Sir Jhonne vane of Barnebarroch Sir Andro murray of Balvaird Sir alexander gordoun of Clunye and to Sir george auchinlek of Balmano And incais of anye of thair deceis To Thomas vrquhart Schireff of Cromartie Sir alexander strachan off thornetoun Josias stewart of Bonytoun and Sir Robert stewart of schillinglaw persones nominat to becum in ordoure as thay ar namit in places of onye of the eight deceissand And to James arnote burges of Edinburgh Maister alexander wodderburne clerk of Dundie Sir thomas meingyeis provest of abirdene Jhonne scheirar burges of Striuling andro mylne burges of Linlithgow Jhonne osburne burges off Air Jhonne mathesoun clerk of Carrail and Sir george bruce off Carnok knight burges of Culros eight persones nominat for the burrowis And incace of anye of thair deceis To alexander clerk merchand burges of Edinburgh Maister william fergusoun burges of dundie george nicolsoun burges of abirdene and Jhonne williamsoun Clerk of striuling Persones nominat to supplie in ordoure any of the vther eight commissioneris foirsaidis deceissand whiche foirsaidis Commissioneris or onye fyve of ilk estate nominate as said is Consenting and aggreing in ane voce salhave power to convene consult and to determine vpoun the materis and in maner vnderwrittin Prowyding alwayis that thair is and salbe necessarlie requisite to the validitie of any act conclusioun ordinance and determinatioun off the saidis Commissioneris The coniunct assent of fyve of everie ane of the saidis four estaittis all aggreing togidder in ane voce without the whiche consent of the saidis fyve of ilk estate so aggreing The rest of the saidis Commissioneris salhave no power to mak anye valide or effectuall Conclusioun be vertew of this present Commissioun Bot whatsoever salbe vtherways done is declared to be of no avall force nor effect That is to say OURE SOUERANE LORD and estaittis of Parliament be the tennour heiroff gevis grantis and Committis full power and

authoritie to the saidis Commissioneris to meit and convene in the toun of Edinburcht at sick tyme and tymes as they sall appoynt and find convenient and thair to call and summond before thame all patrones and takismen of teyndis gryit and small and all vtheris haveing richt be quhatsumeir tytill to the teyndis within this kingdome as they sall think necessar and expedient to exhibite and produce before thame thair Richtes and tytles quhairby they clame the saidis teyndis To be sene and Considerit be the saidis Commissioneris with power to thame out of the saidis teyndis of everie parochin to appoynt and assigne at thair discretiounes Ane perpetuall Locall stipend to the minister present and to cum at all kirkis that salbe fund be thame ather as yit not prowdyt at all with Ministeris and stependis or quhair the prouisioun is less nor fyve hundreth merkis in yeirlie rent of money or fyve chalderis victuell (by manse and gleib) or sick proportioun particularie of siluer and victuell as will effeir and extend to fyve hundreth merkis or fyve chalderis victuell yeirlie and whiche is the least and meanest stepend and prouisioun determinat appoynted and declared be his Maiestie and [the] estaittis to be gevin and assigned to anye minister for his Locall stepend in tyme cuming where the fructis of the benefice will extend to that quantitie in Maner vnderwritin and that Nochtwithstanding of anye richt or tytle pretendit be the said takismen or vtheris in quhais fauoures Teyndis haue bene erected With speciall power also to the saidis Commissioneris to vnite sick kirkis ane or ma as may convenientlie be vnite where the fruittis of anye ane alone will not suffice to Intertene ane minister In the whiche cace of vnioun of sick kirkis giff it fall out that necessitie offer to vnite kirkis belonging to presentatioun of dyuers patrones the presentatioun of the ministeris salbe appoynted be the saidis Commissioneris to pertene to the patrones (alternatis vicibus) to the whiche Commissioneris His Maiestie and the estaittis does recommend and refer to considder and appoynt farder sick solide ordour as may be maist convenientlie takin and stand with the least preiudice of any of the patrones and as they salbe fund to haue more or less interest in the kirkis to be so vnited It is alwayis prowdyt that Quhairas thair ar dyuers kirkis quhairoff the fructis off anye one will not extend to the quantitie of fyve chalderis victuell nor fyve hundereth merkis of siluer in yeirlie Commoditie and that the rentis and haill patrimonie thairoff are nowayis ansurable to that proportioun and so is not sufficient alone for the full mantinance off ane minister and yit Nevirtheles for distance of place or vtheris lauchfull causes may be found Incommodius to be vnited Quhairby necessitie will evince that everie kirk in that estate suld be planted with thair awin particular minister to serve thairat whois prouisioun behowis necessarlie to Consist of the fructis of the benefice it self how meane soeuer the same be Thairfore it is declairit that it salbe sufficient to the saidis commissioneris in that cace to assignne and appoynt to the minister to be plantit at any sick kirkis the haill fruittis pertening to the patrimonie thairoff by and attoure his manse and gleibe whiche fruittis ar to be Inioyed be him and his successoures thairefter as thair perpetuall locall stipend and prouisioun And to the end the said Commissione may tak the bettir effect and for ane solide ordoure anent the prouisioun of the saidis kirkis with thair certane definite stepend and that it may be cleirlie kuawin Quhat salbe the proportioun and quantitie of any stepend whiche salbe heirefter appoynted to everie minister at everie kirk ather not prowdyt at all or not sufficientlie prowdyt as said is OURE SOUERANE LORD and estaittis declairis that the least and meanest stepend quhilk they sall have appoyntit to be heireftir prowdyt be the saidis Commissioneris to any minister sall not be vnder and within the quantitie of fyve chalderis victuell or fyve hundreth merkis of money or proportionallie pairt of victuell and pairt thairoff in monye according as the fruittis and rentis of the kirk may yeild and afforde and as the saidis commissioneris sall think expedient effeirand to the saidis fyve chalderis victuell or fyve hundreth merkis money by and attoure thair manse and gleib quhair the haill fructis of the kirk will extend to the quantitie fairsaid And that the gryitest and most stepend whiche the saidis Commissioneris sall have power to assignne for stepend to any minister at any of the saidis kirkis ather not plantit or plantit and prowdyt with stependis within and vnder the saidis fyve chalderis victuell or fyve hundreth merkis money as said is Sall not exceid the quantitie of ten chalderis victuell or ane thousand merkis of money and proportionallie pairt of money and pairt of victuell at the Consideratioun of the saidis commissioneris as they sall find

be examinatioun of the rentis of the kirk maist convenientlie may be payed by and attoure thair manse and gleibe Sua that the gryttest salbe ane thousand merkis or ten chalderis victuell with manse and gleibe and the least fyve hundredth merkis or fyve chalderis victuell with manse and gleibe Except where the hail fruttis off the kirk will not extend to that quantitie as said is And findis and declairis that all kirkis whiche ar plantit with ministeris quhais stependis extendis to fyve chalderis victuell or fyve hundredth merkis of siluer or pairt of bothe effeirand to the whole by thair manse and gleibe (The samen being maid sure to thame) ar expreslie exceptit out of this Commissioun and nowayis Cummes vnder the compas thairroff nather sall the saidis Commissionaris have anye powar be vertew heiroff to medle with anye kirkis or stependis whiche ar in that caice seing that the said Commissioun Is not extendit to the same IT Is also prouydit that where anye kirkis ar sufficientlie prouydit alreddie albeit thair prouisioun does exceid the fairsaid quantitie of ten chalderis victuell or ane thousand merkis of money And als where the fruttis of any benefice ar in the possessioun of the minister that the samen salbe Continewit in the estait quhairin it is at the present and not to be medled with be vertew of the said commissioun And becaus resoun and equitie cravis that recompans suld be made to the takismen and vthers persones quhatsumeuir who salbe by the sentence of the saidis Commissioneris hurt and preiudgit of thair present profite whiche they may lauchfullie bruke be vertew of thair tyillis and rightes establisched in thair persounes and vpoun whome be vertew of the said sentence anye burding of the sustentatioun and prouisioun of the saidis kirkis and ministeris is to be imposed THAIRFORE OURE said souerane lord and Estates of parliament Gevis full power and Commissioun to the saidis Commissionaris So to proceed in the determining of the saidis recompences That incaice the Lord or any vther haveand Right to erected prelacies who salbe cited before thame refus to tak the burding of Plantatioune of any kirkis belonging to the saidis erected prelacies whiche ar not planted or to help sick vther kirkis of the samen as ar not weall and sufficientlie prouydit according to the tennour of the fairsaid commissioun And that vpoun thair refusall (The said refusall being first fund reasonable be the saidis commissioneris) The burding of the said plantatioun or farder prouisioun salbe laid and imposed be the saidis Commissioneris In whole or in pairt ather vpoun the principall takismen of anye of the fruttis of the saidis kirkis Or incaice the takismen refus the burding be imposed vpoun the subtakismen thairroff the saidis Commissioneris sall haue power to decerne appoynt and ordane sick particular recompens to be gevin to the saidis takismen or subtakismen be renewing of thair takis or subtakkis efter the expyryng thairroff vpoun sick conditiones as the saidis Commissioneris sall find Reasonable Respect being had to the qualitie and proportioun of the burding to be imposed vpoun thame within the tyme of thair takkis and richtes farder then they ar astricted be thair saidis rightes Or be appoynting sic vther reasonable satisfacioun as they sall find the said burding and distres vndergone be anye of thame sall deserve and requyre Lyik as the saidis commissioneris salhave siclyik power to determine decerne and appoynt sick particular satisfacioun and recompence to be Gevin ather to laik patrones or to the takismen of the fruttis of the kirkis belonging to the lyik patronages and subtakismen thairroff as they sall think may be ansurable to the burdingis to be Imposed vpoun ather of thame for the caus abonewrittin proportionallie IN THE prescryveing of the whiche recompence The saidis Commissionaris salhave speciall respect what consideratioun they find reasonable to be gevin to the saidis patrones for thair consentis to the takis gif any salbe appoynted and decerned to be sett and gevin to the saidis takismen for recompence fairsaid And gif anye beneficed persoun vpoun Just and resonable causes refusies to prouydyd ony kirk belonging to thair benefice according to the ordoure heirby prescryved wherby the burding of plantatioun or farder prouisioun of the kirk must necessarlie ly vpoun the takismen or subtakismen of the fructis thairroff The saidis commissioneris in that cace also sall decerne sick recompens to be gevin be the saidis takismen and subtakismen for thair lose and preiudice sustened As the saidis commissioneris sall find the samen sall merite be renewing of takis to thame upoun sick conditiones as may requyte thair lose or be finding out some vther reasonable meane whiche may repair the samyne AND OURE SAID SOUERANE LORD with aduyse and consent of the saidis estatis declaris statutes and ordanis That all takis

whiche salbe decerned be the saidis Commissionaris To be gevin in recompens to anye persoun whatsumeuir for the causes abonewrittin and whiche salbe sett for obedience and Conforme to the said decret and sentence whatsumeuir yeiris or long space the saidis takis sall comprehend salbe guid lauchfull and sufficient securities to the persounes in whois faoures the same ar appoyntit to be gevin and conceaved nather sall the same be anye wayis preiudgit be the act maid in this parliament be the quhilk It is statute that no archbischope bischope or prelate suld sett in tak any pairt of thair patrimonye for longer space nor nyntene yeiris And that no Inferiour beneficed persone sall sett in tak any pairt off thair benefice for longer space nor thair awin lyvetymes and fyve yeiris thairefter As the said statute proportis fra the whiche statute The saidis takis so appoynted to be Sett and gevin in recompence ar and salbe excepted and reserved and sall nowayis cum vnder the compas of the said act and statute nor in any thing thairin conteaned bot the same sall remayne and abyid valide and sufficient richtis for [the] hail space and yeiris appoynted thairin According to the tennour thairoff nochtwithstanding of the said act and statute AND BECAUS IT MAY fall furth that in the recompens to be appoynted by the Commissionaris To the patrones Takismen and subtakismen for the fairsaid burding to be Imposed vpoun thame ma yeiris may be assigned for prorogatioun of thair present takis nor may lauchfullie and Convenientlie be Sett be the present beneficed persones To whome be law The setting of Takkis of teindis belongis FOR REMEID quhairoff Oure souerane lord with aduyse and consent of the saidis estaittis declairis Statutes and ordanis That it salbe lauchfull to the Commissionaris fairsaidis to appoynt als mony yeiris efter the expyryng of the present takis to the takismen of the saidis kirkis and teindis or to the patrones or subtakismen respectiue for bruiking of the saidis teindis for recompence off the said burding As they sall think resonable whiche salbe als gude valide and sufficient richtes to the saidis patrones takismen and subtakismen respectiue and to thair airis and assignis for bruikeing possessing and disponing vpoun the saidis teyndis during the saidis yeiris off prorogatioun As gif guide lauchfull and valide takis and richtes off the saidis teindis had bene sett and maid to thame be the titularis of the benefices to quhome the samen belongit with consent of all pairties haveing enteres With expres prouisioun and declaracioun that at the expyryng of all the saidis yeiris the richt of the saidis teyndis and power to sett takis thair of sall returne and appertene to the saidis titularis of the fairsaidis benefices as they did before the making of this present act AND OURE said souerane lord with aduyse of the saidis estaittis declairis and ordanis This Commissioun to Lest and indure to the feast and terme of lambes in the yeir of god J<sup>MC</sup> vj eightene yeiris Efter the whiche tyme the same sall ceas and expyre And ordanis the decret and sentence of the saidis Commissionaris In all the particularis fairsaidis and everie ane of thame to haue the strenth force and authoritie off ane decret sentence and act of parliament FOR obedience wheroff The Lordis of sessioun sall direct and grant lettres in forme as effeiris and according as salbe necessar whiche commissioun abonewrittin taking force and full effect in all the saidis particularis thairin conteyned As the samen ar sett down and comprehendit thairin be pronounciatioun of decret and sentence vpone the same Conforme to the power thairin comprehendit gevin to the saidis Commissionaris OURE SOUERANE LORD with the expres consent and assent off the estaittis in that caise findis and declairis That no persoun in whois faoures the teindis of kirkis and benefices ar erected nor na vtheris whatsumeuir bruiking teyndis be vertew of Richtis lauchfullie maid to thame of the same according to the lawis of this realme then standing salbe evir farder alterit or querrellit in any of thair saidis richtis in any tyme to cum farder then salbe appoynted be the said decret and sentence to follow [vpoun] this present Commissioun bot the saidis Rightis and securities incace fairsaid sall remayne in the awin strenth force and effect as gude lauchfull and sufficient Rightes and securities to thame and everie ane of thame for thair awin pairtis for bruiking and Inioying the saidis teyndis Conforme to the tennoure of the saidis richtes for now and ever

## CAP. 6.

[1617, cap. 6.]

## ANENT furnesing of Necessaris for Ministratiōne of the Sacramentis

OURE Souerane Lord with aduyse and consent of the estaittis of Parliament ordanis That all the parochie kirkis within this kingdome be prowdyt off Basines and Lavoiris for the Ministratioun of the sacrament of Baptisme and of Couppes tablis and table Clothes for the ministratioun of the holie Communionne whiche salbe ressavit to that vse be the minister of the parochin in sick convenient place as he sall find meit ffor whiche He and his heiris and executoures salbe ansurable to the parochin Incaice the same be Lost or vtherwayis vseit to any prophane vse And ordanis the expenses thairoff to be maid be the parochoneris . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 12.

[1617, cap. 12.]

## ANENT prescriptioun of heretable Rightis

OURE Souerane Lord Considering the gryit preiudice whiche his Maiesties liegis sustenis in thair landis and heretages not onlie by the abstracting corrupting and conceilling of thair trew evidentis in thair minoritie and les aige and by the amission thair of by the Iniurie of tyme throche warre plague fyir or suche lyik occasiounes bot also by the Counterfutteing and forgeing of fals evidentis and wreatis and Concealling of the same to suche a tyme that all meanis of Improving thair of is takin away whereby his Maiesties Liegis ar constitute in a gryit vncertantie of thair heretable rightis and diuers pleyis and actiounes ar moved aganes thame efter expyryng of threttie or fourtie yearis whiche neuirtheles by the Civill law and be the lawes of all natiounes ar declaired voyde and vneffectual And his maiestie according to his fatherlie Care whiche his maiestie hath to ease and remove the greivis of his subiectis being willing to Cutt aff all occasiounes off pleyis and to put thame in certantie of thair heretage in all tyme Cuming Thairfore his Maiestie with aduyis and Consent of the estaittis of Parliament be the tennour of this present act Statutes findis and declairis that whatsoever his maiesties leigis thair predicessours and authoures bath bruikit heirtfore Or salhappin to bruke in tyme Cuming by thame selfis thair tennentis and vtheris haveing thair rightis thair landis baronyes annuelrentis and vther heritage by vertew of thair heretable infeftmentis maid to thame by his Maiestie or vtheris thair superiours and authoures for the space off fourtye yearis Continewallie and togidder following and Insewing the date of thair saidis Infefmentis and that peciable without anye lauchfull interruption made to thame thairin during the said space of fourtie yeiris That suche persounes thair heiris and successours sall nevyr be trublit persewed nor Inquyeted in the heretable right and propertie of thair saidis landis and heretages foirsaidis by his maiestie or vtheris thair superiours and authoures thair heiris and successours nor by anye vther persoun pretending right to the same by vertew of prior Infefmentis publick or private nor vpon no vther ground reasoun or argument Competent of law except for falsheid Prowyding they be able to schaw and produce a chartoure of the saidis landis and vtheris foirsaidis grantit to thame or thair predicessours by thair saidis superiours and authours preceding the entrie of the saidis fourtie yeiris possessioun with the instrument of seasing following thairupoun or where there is no chartoure extant That thai schaw and produce instrumentis of seasing ane or moe Continewed and standing togidder for the said space of fourtie yearis ather proceeding vpoun retoures or vpoun preceptis of Clare Constat whiche Rightis his Maiestie with aduyse and consent of the estaittis foirsaidis findis and declairis to be goode valide and

sufficient Rightis (being cled with the said peciable and Continewall possessioun of fourty yearis) without any lauchfull interruptioun as said is for bruiking of the heretable right of the same landis and vtheris foirsaidis And siclyik his maiestie with aduyse foirsaid statutes and ordanis that all actiounes competent of the law vpoun heretable bandis reuersiounes Contractis or utheris quhatsoever ather alreddie maid or to be maid efter the date heiroff Salbe persewed within the space of fourty yearis Efter the date of the same except the saidis reuersiounes be incorporat within the bodey of the Infestmentis vseit and produced by the possessoure of the saidis landis for his tittle of the same Or Registrat in the Clerk of register his bookis in the whiche cace seing all suspicioun of falsehoode ceases most Justlie The actiounes vpoun the saidis reuersiounes ingrossed and registrat ought to be perpetuall excepting alwayis from this present act all actiounes of warrandice whiche sall not prescryve frome the date of the band or Infestment whereupoun the warrandice is socht bot onlie frome the date of the distres whiche sall prescryve It not being persewed within fourtie yearis as said is And siclyik It is declared that in the Course of the saidis fourtie yearis prescriptioun the yeiris of minoritie and les aige sall nowayis be Compted bot onlie the yearis during the whiche the pairteis aganis whome the prescriptioun is vsed and objected wer maiores and past xxi yearis of aige . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 13.

[1617, cap. 13.]

ANENT reducioun of Retouris and summondis of Errour

FORASMUCHE as by act of Parliament maid by his Maiestyes most noble progenitoure king James the fourt of worthie memorie vpoun the xiii day off Junij 1494 It was statute and ordanit That all summondis of erreure or inordinat proces be persewed within the space of thrie yearis efter the determinatioun of the inquest or service the pairtye being of lauchfull aige and within the realme vtherways to prescryve As in the said act and statute at more Lenth is conteaned And becaus the trew meaning and Intention of the said act wes That oure souerane Lordis liegis being vpoun the said Inquest and service suld not ly vnder the payne and danger of erreure efter the space of thrie yearis and nowayis to hurt or preiudge the righteous heir or nerrest of kin who by the law of god and man wes to succedd in the right of blude and successioun to thair predicessoures and to thair landis and heretages Jure sanguinis Thairfore oure said Souerane Lord with aduyse and Consent of the estaittis foirsaidis Statutes and ordanis that the said act of Parliament sall no wayis hurt nor preiudge the nearest of kyne to seik reducioun of the saidis retoures and service to be past and exped in tyme Cuming and that within the space of Twentye yeiris Immediatlie following the date of the saidis retoures and services And gif the saidis summondis of reducioun beis not intentit execute and persewed before the expyryng of the saidis twentye yearis that the said actioun of reducioun off the said retoure and feruice sall prescryve in the selff and no pairtye to be hard thairefter to persew The same reducioun And als declairis that heirefter It sall nawayes be lauchfull to persew the persounes of inquest for wilfull erreure except they be persewit thairfore within the space off thrie yeiris nixt efter the date of the said retoure and service . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 14.

[1617, *cap.* 14.]

## ANENT Exequutoures

OURE Souerane Lord vnderstanding a gryit number of ignorant Pepill the tyme of thair seiknesses and disease Or vtherways at the making of thair testamentis and Lettir willis do nominate certane strangearis to be thair exquutoures meaning onlie to Commit the care of thair goodis and diligent Ingetting thairoff to the saidis Strangeris and that to the behove of thair children or vther persounes who ar neirest of kin wheras be the contrarye the said office of executorie by the interpretatioun now observed doeth carie with it the Haill profite and Commoditie off the defunctis pairt of the guidis conteaned in testament whiche his maiestie findis to be altogidder aganis law conscience and equitie Thairfore his Maiestie with aduyse and consent of the estaittis of Parliament findes and declairis that all exequutouris alreddie nominate in anye testament not as yit Confermit or to be nominat in anye testament to be made heirefter ar and salbe obleisit to mak compt rekning and payment of the whole goodis and geir pertening to the defunct and intromettit with by thame to the wyiff Childrene and nerrest of kyne according to the diuisioun obseruit by the lawes off this realme . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 15.

[1617, *cap.* 15.]

## ANENT the Escheat of lyifrent takis

OURE Souerane Lord Haveing Considerit that thair hathe bene dyuers questiounes moved befor the Lordis of his maiesties Counsall and Sessioun Tuicheing the escheat of lyverent takis of landis and teyndis fallin by the rebelloun of the persounes to whome the same appertenethe and that it hath not yit bene Clearlie decydid whether a lyifrent tak suld fall vnder the gift of a simple escheate or not For the better clearing Wheroff in all tyme Cuming OURE SOUERANE LORD with aduyse of the estaittis of this present parliament declairis statutes and ordanis That lyferent takis of landis or teyndis sall not fall vnder a simple gift of escheate bot vnder the gift of a lyifrent escheat onlie And farder incace any tak sett of landis or teyndis Conteane moe lyverentis nor one And that the persone to whome the said tak apperteneth in Lyverent be rebell attoure the space of yeir and day whereby he losses his lyverent of the said tack It is heirby Declarit that the remanent Lyverentaris Conteaned in the said tack nor the airis or assignayis of the rebell who haue right to the said tak efter the said rebellis deceis sall not be preiudgit by the said Lyverentaris rebellione so that efter his deceis The said persoun haveing right to the saidis takis sall bruik and Inioye the same notwithstanding the said Lyverentaris rebelloun attoure the space of yeir and daye whiche rebelloun sall preiudge him self onlie and no vther persoun succeding to him in the Right of the said tack

## CAP. 16.

[1617, *cap.* 16.]

## ANENT the Registratiounes of reuersiones Seasingis and vtheris writis

OURE Souerane Lord Considering the gryit hurt sustened by his Maiesties Liegis by the fraudulent dealing of pairties who haveing annaliet thair Landis and ressaut

gryit soumes of money thairfore Yit be thair vniust concealing of sum privat Right formarie made by thame rendereth subsequent alienatioun done for gryit soumes of money altogidder vnprofitable whiche can not be avoyded vnles the saidis privat rightis be maid publict and patent to his hienes liegis FOR remedie whereoff and of the manye Inconvenientis whiche may ensew thairupoun HIS Maiestie with aduyis and consent of the estaittis of Parliament statutes and ordanis That thair salbe ane publick Register In the whiche all Reuersiounes regresses bandis and writtis for making of reuersiounes or regresses assignatiounes thairto dischargis of the same renunciatiounes of wodsettis and grantis off redemptioun and siclyik all instrumentis of seasing salbe registrat . . . . It is alwayis declared that it sall not be necessar to registrat anye bandis and wreatis for making of reuersiounes or regresses vnles seasing pas in fauoures off the pairties makeris of the saidis bandis or writtis In the whiche cace It is ordaned that the samen salbe registrat . . . . The extract off the whiche Register sall mak faith in all caces except where the writtis so registrated ar offered to be improvin And gif it salhappin any of the saidis writtis whiche ar appoynted to be registrat as said is not to be dewlie registrat . . . . Then and in that cace his maiestie with aduyse and consent foirsaid Decernis the same to mak no faith in Judgment by way off actioun or exceptioun in preiudice of a third pairtie who hathe acqyred ane perfyit and lauchfull right to the saidis landis and heretages but preiudice alwayis to thame to vse the saidis writtis aganis the pairtye maker thairof his heiris and successours It is alwayes declared that this present Act sall nowayis be extendit to . . . . reuersiounes incorporat in the bodey of the Infestmentis maid to the persounes aganis quhome the saidis reuersiounes ar vseit It is also declared that gif anye renunciaciones or grantis of redemptioun whiche salhappin to be consignit in proces betuix pairties salbe registrat within thriescore dayes efter the daittis of the decreitis whereby the same salbe Ordaned to be gevin up to the pairties haveand right thairto The same salbe sufficient And to the effect the said register may presentlie and in all tyme cuming be the moir faithfullie keipit THAIRFORE Oure said souerane Lord with aduyis and consent foirsaid Statutes and ordanis the same registeris and registratiounes foirsaidis to be insert thairin to appertene and belang to the present Clerk of Register and his deputtis to be appoynted be him to that effect and decernis and ordanis the same Registeris to be annexed and incorporated with the said office And that the Clerk of Register present and to cum haue the said office as ane proper pairt and pertinent of the Clerk of Register his office . . . . AND OURE SAID SOUERANE LORD with aduyse and Consent of the estaittis Decernis and Declairis this present act to haue the force strenth and effect of ane decreit and statute of parliament whiche sall haue force strenth and executioun according to the tennoure thairoff in all tyme to cum . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

#### CAP. 17.

[1617, cap. 17.]

#### ANENT the Lowsing of Arreistmentis

OURE Souerane Lord Considering the gryit abuse and corruptioun vseit in finding of Cautioun to Messingeris for lowseing of Arreistmentis in tymes bigane whereby his hienes Liegis haue bene heavilie preiudgit The receaving of the said Cautioun being Committit to whatsoeuer messenger of armes the pairtie pleaseth to chuse who at the desyre off the pairtie for the most pairt receaveth Irresponsall Cautioneris and thairefter quhen Cautioun is found thair is no warrand thairof gevin to the pairtie arreistar bot onlie a tikkett vnder the Messingeris stampe and subscriptioun beiring him to haue loused the arreistment and to haue ressauit suche a persoun cautioner whiche tikkett is not sufficient of the law to furneis actioun aganis the saidis Cautioneris without productioun of the principall bandis gevin to the said Messenger ressaiver of the Cautione whiche band gif anye wer takin remanis in the bandis of the

messinger and is ather Lossed by negligence or absented by malice whereby the pairtie is altogidder preiudgit of his actioun whiche he had aganis the Cautioner who wes found for lousing of the arreistment FOR REMEDY whereoff Oure Souerane Lord with aduyse and Consent of the estaittis of Parliament Statutes and Ordanis That all billis and supplicationis for lousing of arreistmentis whiche salbe past and delyvered by the Lordis of Counsell in tyme Cuming salbe past vpoun cautionn to be found in thair buikis and ordanis the Clerk of the Billis To ressaue the said cautionn before the geving out of the same for raising of Letteris thairvpoun And gif anye arreistmentis be vtherwayis lowsed the same to be null and ineffectuall

## CAP. 19.

[1617, *cap.* 19.]

## ANENT Dowcatis

OURE Souerane Lord with aduyse and consent of the estaittis of this present Parliament Considering the gryit inconveniences sustenit by the Liegis of this realme Throw the frequent building of doucattis by all maner of persounes in all the pairtis thairroff Statutes declairis and ordanis that heirefter no persoun nor persounes salhave power Libertie or priuiledge to build a doucat vpoun ony landis within this realme nather within burght nor in the Cuntrie except that persoun buildar of the doucatt haue landis and teyndis pertening to him extending in yeirlie rent to ten chalderis victuell nixt adjacent to the said doucatt at the Least lying within tua myillis to the same And als Declairis That it sall nowayis be Lauchfull to the persoun foirsaid worthe in yearlie rent the foirsaidis ten chalderis victuel to builde moe doucattis vpoun and within the boundis foirsaidis except one doucate onlye

## PARLIAMENT AT EDINBURGH, 1ST JUNE 1621.

## CAP. 5.

[1621, *cap.* 5.]

## ANENT the Plantatioun of kirkis As yit Vnplantit

OURE Souerane Lord vnderstanding that thair be dyuerse kirkis within this kingdome whiche by the late Commissioun appoyntit for plantatioun off kirkis in the Parliament holdin in Junij 1617 wer not settled nor prowdyt with Constant stependis but whiche yit remayne disfurnischit and vnprowydit Off anye Competent meanis to be gevin to the ministeris quha salbe prowdyt to the charge and functioun of the Cure of the same AND THAIRWITH also His Maiestie Considering that thair have bene heirtofore sindrie kirkis vnited togidder and Conioyned in ane albeit vpoun goode Consideratiounes It may be fund more expedient that the same vnione be dissolued and that the saidis kirkis be prowdyt seuerallie with distinct functiounes and seperate seruices at suche places quhair the Commoditie may afforde in the same maner as gif no suche vnioun hade bene made And siclyk becaus thair be sum kirkis quhairroff the Parochin is of so Laarge boundis that manye of the parochoneris duelling in roumes of the parochin so remote frome the kirk who for the gryit distance of the place or for the interiectioun of wateris betuix thair roumes and the kirkis whiche often tymes and in speciall in winter ar not passable Or for sum suche vther knawin Impediment can not haue access and repair To the parochie kirkis at the ordinarie tymes appoyntit for diuyn service and worschipe and enioye the confort of the exercise thairroff AND OURE SOUERANE LORD according to the princelie aud

godlie Indewmentis quhairwith his Maiestie is singularlie blessed being most Carefull to establishe all gude and propagate the religious and trew worschip of god vniuersallie throughtout this whole kingdome quhairthrow all his people maye have occasione to participate the benefite of the worde without feeling of anye of these preiudices growing frome the abonewritten occasiounes whiche his Maiestie in his Royall and fatherlie Care over his peple is most desyrous to have removeit THAIRFORE his Maiestie with expres aduyse and Consent of the estaittis of Parliament hathe granted full power and Commissioun to the lord chancelar for the tyme And to the Reuerend fatheris in God Johnne Archebischope of Sanctandros James archebischope of glasgow alexander bischope of dunkeld Adame bischope of dumblane andro bischope of gallowaye Jhonne bischope of Cathnes sex persounes nominat for the Clergie and prelattis And incace of deceis Off anye of thame to patrik bischope of Ross and Patrik bischope of Abirdene which tua persounes The Estaittis haue nominated to supplie and becum in the place of anye of the vther sex aforesaidis if anye of thame salhappin to deceas before this Commissioun be finischit TO WIT the first of the tuo in place of the first of the sex deceissing To Johnne erle of wintoun Robert Earle of louthiane Thomas Earle of Melros Johnne vicount of Lauderdaleill Johnne lord balmerinoche dauid lord Carnegie sex persounes nominate for the nobilitie and incace of anye of thair deceas To Johnne Earle of wigton nominate to becum in the place of the first deceissing And walter erle of Bucleugh nominat to becum in the place of the second To the commissioneris vnderwritin nominate for the barones To wit Sir Richard Cokburne of Clerkingtoun knycht lord previe seall Sir william levingstoun of kilsyth knycht Sir James dundas of arnestoun knycht Sir Archebald naper off merchinstoun knight Sir andro ker of pharnehirst knycht alexander lawder of halton And incace of any of thair deceis To dauid Crichtoun of Lugtoun and Sir Johnne hammiltoun Off prestoun persounes nominat to becum in ordour as thai ar named in place of any of the sex deceissing And to Johnne byres burges of edinburgh Maister willame fergusone burges of dundye Andro bell burges of linlithgow Robert Tailyeour burges of sanctandros Maister James Cokburne burges of hadingtoun and sir george bruce of Carnok knycht burges of Culross sex persounes nominat for the borrowes And incace of anye of thair deceis To alexander Clerk merchand burges off edinburgh and Maister alexander wodderburne Clerk of dundie persounes nominat to supplie in ordour anye of the vther sex Commissioneris foirsaidis deceissing whiche foirsaidis Commissioneris or onye four of ilk estate nominate as said is Consenting and aggreing in one voce sall have powar To consult Convene and ditermine vpoun the materis and in maner vnderwritin Prowyding alwayes that thair is and salbe requisite to the validitie of anye act Conclusioun ordinance and determinatioun of the saidis commissioneris The Coniunct assent of foure of everie ane of the saidis foure estaittis all aggreing togidder in ane voce without the whiche Consent of the saidis foure of everie estate so aggreing The rest of the saidis Commissioneris sall have no power to mak anye valide or effectuell Conclusioun by vertew of this present Commissioun Bot Quhatsoeuer salbe vtherwayis done Is declairit to be of nane avale force nor effect THAT IS TO SAY Oure souerane lord and Estaittis of Parliament by the tennour heiroff gevis grantis and Committis full power and auctoritie to the saidis Commissioneris to meit and convene In the toun of Edinburgh at suche tyme and tymes As they sall appoynt and find Convenient And thair to Call and summond before thame all patrones takismen of teindis gryit and small and vtheris heavand right by quhatsoeur tytill to the teindis of anye of the kirkis within this kingdome whiche ar not alreddye planted by the foirsaid first Commissioun and whiche sall anye wayes be medlit with by this present commissione as they sall think necessarie and expedient to exhibite and produce before them thair rightis and titles quhairby they clame the saidis teyndis to be sene and Considerit be the saidis Commissioneris With power vnto thame out of the saidis teyndis of everie parochin and kirk not alreddie planted To appoynt and assignne at thair discretiones a perpetuall Locall stepend to the ministeris present and to cum at all the saidis kirkis vnprowydit as said is And that Notwithstanding anye right or tytill pretendit by the saidis takismen Or vtheris in quhois faoures teyndis have bene erected with powar also to the saidis Commissioneris To disvnite suche kirkis ane or mae as wer vnited of before and appoyntit to

be seruit by ane minister And as theye vpoun guid Consideratiounes sall find requisite to appoynt the same to be servit by severall functiones and chargis as distinct parochines efter suche maner as salbe found by thame most expedient Prowyding alwayes that all pairties haveand enteres in the vnione and disvning of the saidis kirkis and plantatioun thair of giff thair expres warrand and Consent thairvnto IN THE whiche cace of Plantatioun and provisoun of the kirkes whiche salbe disioyned as said is The presentatioun of the ministeris salbe appoynted by the saidis Commissioneris To pertene to the patrones Conforme to thair right thair off to be produced before thame and as the saidis Lordis Commissioneris sall find most agreeable with reason and equitie with power lykwayis to the saidis Commissioneris to appoynt and sett downe suche solide ordour for erecting and building of new kirkis in anye parochines quhair they sall find necessitie and conveniencie to do the same And where the parochoneris [are] not presentlie weill and Commodiouslie served at the present kirkes of the parochine as they sall find maist expedient and the saidis kirkes being erected with power to the saidis Commissioneris To prowde the same with suche proportioun of stependis as they sall find may be with least preiudice and best Commodity made out of the fruitis of the said parochines to the ministeris to be appoyntit to serve at the saidis new buildit kirkes To the whiche building and making off new kirkis and prowding the same with Competent stependis The saidis Estaittis findes and declaires That it salbe expreslie necessarie That the patrones takismen and vtheris parties haveing interest in the erectioun and building Off the saidis new kirkes and in planting and provisoun thair of fairsaid gif thair expres warrand and Consent thairvnto whiche being so had and obtenit with power to the saidis Commissioneris To procede thairin as is most agreeable with reason IT IS alwayes declared That in all and everie one of the Caces abonewrittin That is to say ather in prowding of kirkis not plantit of before Or in disvning of kirkes formerlie Joyned and appoynting of severall and distinct stependis to the same or in the erecting of new kirkis and provisoun of thame with ministeris and stependis The saidis Commissioneris salhave expres power and warrand To determine and appoynte suche proportioun and quantitie as they sall find expedient ather amounting over the sowme off Fyve hundereth merkis or benethe and vnder the same as they sall find May most Convenientlie and Commodiouslie be hade Efter the Consideratioun of the quantitie and estate of the fructis of the kirk and the Cace quhairin the same is and as may be with leist preiudice spared out of the same AND THE saidis Estaittis findes and declaires that the saidis Commissioneris sall have no power by vertew of this Commissione to alter or medle with ony kirk whiche was setled be vertew of the fairsaid Commissioun grantit in anno 1617 yeiris Or to cheinge the estate thair off in onywayes Or yit to erect build or prowde anye new kirk without the speciall and expres Consent of all parties haveing Interest had and obtenit thairvnto without quhois Consent It sall not be Lauchfull for the saidis Commissioneris in onywayes to tuiche the saidis kirkis so prowdyt Bot the same ar expreslie excepted (except incace of consent fairsaid) out of this present commissioun AND ALSO forasmuche As the saidis Estaittis of Parliament Considering the particular petitiounes and supplicatiounes efterspecifeit gevin in to thame be the persones vnderwrittin to the effect following To wit a petitione gevin in by thomas burnet of lewis desyring ane new kirk to be erected and builded within the Parochin of fettersso vpoun anye pairt within the same parochin most ewest for the Instructioun of the Parochoneris of fettersso quha duell most remote frome the present kirk thair off Item ane supplicatioun gevin in by the gentlemen and Parochoneris Off the Parochin of Rosnethe desyreing that the kirk of Rosneth for the causes specifeit in thair supplicatioun foundit vpoun the Incommodius situatioun of the said kirk might be transportit out of the yle of Rosnethe quhair it presentlie standis To that part of the maneland of the said Parochin Callit the Landis of Ardinconnell as place most convenient and Indifferent for the haill parochoneris to resorte vnto Item a Petitioun gevin in be Johnne Earle of wigtoun lord fleming and Cummerald and remanent parochoneris of the parochin of Leinye Craveing Licence to Transport found build and Erect the kirk of the said Parochin of Leinye presentlie standing at the west end of the parochin thair off to anye vther pairt of the same parochin neir the middis thair off most Convenient for the ease of the whole parochoneris and being buildit to be declairit to be the onlie kirk of the said parochin of leinye Item tuo warrandis

gevin in under his Hieghnes Hand Concerning the appoynting and determinating whiche of the tua kirkis off Lairbair and donypace formerlie vnited suld be the ordinarie place of publict divine seruice of the saidis tua parochines As in the samen tua patentis Conteaning thair awin seuerall desyres at mair Lenth is Conteanit Item a petitione gevin in by the parochoneris of the Parochines of kilcharrane kilmichell and kilchusland vnited by the former Commissioun And off the parochones off kilcolmekill and kilblane also vnited by the same Commissioun all Lyand within kintyre desyreing Libertie for building and erecting of a kirk for serueing of the first thrie parochenis with [another] kirk for serueing of the tua last Parochines bothe vnited as said is Item ane supplicatioun gevin in by Johnne Lord hay of Yester and the possessoures of the Landis of Rodonno desyreing that the samen Landis of Rodonno with the pertinentis suld be declarit to have bene and to be in tyme Cuming a pairt of the parochin of Lyns As also Craueing that it might be lauchfull to the said Johnne Lord hay of yester to build a kirk vpoun the maist Commodius place of his Landis of Roddono or Meggat for serueing of the inhabitantis thairroff at suche tymes as they suld be impedit by storme of wether frome Cuming to the kirk of Lynes Item a supplicatioun gevin in to the saidis Estaittis desyreing that the dissolutioun of the fourtie pund land off buchannan frome the kirk of Luss and vnione thairroff to the kirk and Parochin of Inhecalyieoche done by the former Commissioun might be now Ratified And the same fourtie pund land declarit to remayne in tyme cuming as a pairt of the parochin of Inhecalyieoche Item a petitioun gevin in by patrik bischope of abirdene desyreing the Estaittis to giff power to the foirsaidis Commissioneris to Ratifie and approve the voluntarie dissolutiounes of the former vniones of these kirkis within his diocie To the severall prouisiounes quhairroff the parties haveing Interes thairintill have Consentit And to admit these who mak offer at the sight of the bischope and presbiterie quhair the kirkis ly to prowde the same severallie albeit they sall not mak out the full rate and stepend appoyntit by the last Commissioun And last a petitioun gevin in by the Minister of the kirk Callit Cryistis kirk at vdney Craueing the same kirk to be sufficientlie plantit and prowdit with a constant and Locall stepend And the same made sure to the minister serueing the Cure at the said kirk As the foirsaidis supplicatiounes Petitiounes and patentis respectiue abonewrittin in thame selfis more fullie proportis AND finding the desyres foirsaidis reasonable Oure said souerane Lord and Estaittis of Parliament gevis grantis and Committis full power and authoritie to the saidis Commissioneris to appoynt determine and sett downe suche solide ordour anent the whole particularis abonementionat and everie ane of thame as they efter Consideratioun and tryell had and takin by thame thairanent sall find most expedient and agreeable with reasoun To the doing quhairroff in everie ane of the particularis foirsaidis (except anent the building of ane new kirk within the Parochin of fetteresso as is desyrit be the laird of leyis) THE estaittis findis and declairis that it salbe onlie necessarie to summond all patrones takismen and vther parties whatsoever haveing enteress in the particularis foirsaidis To heir and see Ordoure takin in the premisses thairanent that efter Citatioun the Commissioneris may Consider of the Interesse and prejudice if anye salbe qualifiet by any persoun before thame anent the particularis abonementionat and may then proceed thairin as they sall find most expedient Bot the Estaittis findes and declares that in the setting and determinatione of the first particular abonementionat Anent the building of a new kirk within the Parochin of fetteresso There salbe expreslie Requisite the speciall and expres Consent and warrand of the parties haveing Interesse thairintill by and besyde the Citatioun and summonding of thame to that effect And findes and declairis that the decret and sentence of the saidis Commissioneris to be gevin by thame in all the particularis foirsaidis and everie Ane of thame sall have the strenthe force and authoritie of ane sentence and act of parliament siclyk as the same had bene done and determined by the saidis estaittis thame selfis And becaus reasoun and equitie Craveth that recompance suld be made vnto the takismen and vther persones quhatsoever quho salbe by the sentence of the saidis Commissioneris hurt and prejudice of thair present proffit whiche they may lauchfullie bruik by vertew of thair tytillis and richtes establischt in thair persounes and vpoun quhome by vertew of the said sentence any burthing of the sustentatione and prouisioun of the saidis kirkis and ministeris Is to be Imposed Thairfore Oure Souerane lord and Estaittis of Parliament

Gevis full power and Commissioun to the saidis Commissioneris so to proceed in the determining of the said recompence that in case the lord or any vther haveing ryght to erected prelacies who salbe citat before thame refus to tak the burthing of plantatioun of any kirkis belonging to the saidis erected prelacies whiche ar in anye of the caces abonewrittin And that vpoun thair refusall (The same refusall being first fund ressonable by the saidis Commissioneris) the burding of the said plantatioun salbe laid and Imposed by the saidis commissioneris in haille or in part ather vpoun the principall takismen of any of the fruitis of the saidis kirkis Or in case of the takismenis refusall the burthing be Imposed vpoun the subtakismen thairroff the saidis Commissioneris sall have power to decerne appoynt and ordane suche particular recompens to be gevin vnto the saidis takismen or subtakismen by renewing of thair takis or subtakis efter the expyryng thairroff vpoun sick conditiounes as the saidis Commissioneris sall find ressonable respect being hade to the qualitie and proportion of the burding to be Imposed vpoun thame within the tyme off thair takis and rightis farther then they ar astricted by thair saidis rightis or by appoynting sick vther ressonable satisfactioun as they sall find the said burthing and distres vndergone by onye of thame sall deserue and requyre LYIK AS The saidis Commissioneris salhaue siclyk power to determine decerne and appoynt suche particular satisfactioun and recompence to be gevin ather to Layik patrones Or to the takismen of the fruitis of the kirkis belonging to the Lyik patronages and subtakismen thairroff as they sall think may be ansuerable to the burthing to be imposed vpoun ather of thame for the caus abonewrittin proportionallie IN the preseryeing of the whiche recompence The saidis Commissioneris sall have special respect quhat Consideratione they find ressonable to be gevin to the saidis patrones for thair Consents to the takis gif anye salbe appoynted and decernit to be sett and gevin to the saidis takismen for recompence foirsaid And gif anye beneficed persone vpoun Just and ressonable Causes refus to prowvyd onye kirk belonging to thair benefice according to the ordour heirby preseryvit quhairby the burthing of plantatioun or farder prouisioun of the kirk must necessarilie ly vpoun the takismen or subtakismen of the fruitis thairroff The saidis Commissioneris in that cace also sall decerne suche recompence to be gevin to the saidis takismen and subtakismen for thair loss and preiudice sustenit as the saidis Commissioneris sall find the same sall merite by renewing of takis vnto thame vpoun suche Conditiones as may requyte thair loss Or by finding out sum vther ressonable meins whiche may repare the same And Oure said souerane Lord with aduyse and Consent of the saidis Estaittis declairis statutes and ordanis That all takis whiche salbe decerned by the saidis Commissioneris to be gevin in recompence to anye persone whatsoever for the Causes abonewrittin and whiche salbe sett for obedience and Conforme to the said decret and sentence quhatsoever yeiris or long space the saidis takis sall comprehend salbe gude lauchfull and sufficient securities to the persones in whois faoures the same ar appoyntit to be gevin and conceavit Nather sall the same be anyways preiudgit by the act made in the parliament haldin in anno 1617 by the whiche It is statuted That no archebischope bischope or prelate suld sett in tak anye pairt of thair patrimonie for longer space nor nyntene yeiris And that no Inferiour beneficed persones sall sett in tak anye pairt of thair benefice for langer space nor thair awin lyfitymes and fyve yeiris thairefter As the said statute proportis frome the whiche statute The saidis takis so appoynted to be sett and gevin in recompence ar and salbe exceptit and reservit and sall Nowayes Cum vnder the compas of the same act and statute nor in any thing thairin conteanit Bot the same sall remane and abyid valide and sufficient rightis for the haille space and yeiris appoyntit thairin According to the tennour thairroff nochtwithstanding of the said act and statute And becaus it may fall furthe that in the recompence to be appoyntit by the saidis Commissioneris to the patrones takismen and subtakismen for the afore-said burthing to be imposed vpoun thame mae yeiris may be assignit for prorogatioun of thair present takis nor may lauchfullie or convenientlie be sett by the present beneficed persones to quhome by law The setting of takis of teyndis belongis FOR REMEID thairroff Oure souerane Lord with aduyse and Consent of the saidis Estaittis declaires Statutes and ordanis That it salbe Lauchfull for the Commissioneris foirsaidis to appoynt als manye yeiris efter the expyryng Off the present takis to the takismen of the saidis kirkis and teyndis or to the patrones and subtakismen respectiue for

bruiking of the saidis teyndis for recompence of the said burthing as they sall think reasonable whiche salbe als gude valide and sufficient rightis to the saidis Patronis takismen or subtakismen respectiue and vnto thair airis and assigneys for bruiking possessing and disponing on the saidis teyndis during the saidis yeiris of prorogatioun as giff gude lauchfull and valide takis and rightis of the saidis teyndis had bene sett and made to thame by the titularis Off the benefices to quhome the same belongeth with Consent of all pairties haveing interesse With expres prouisioun and declaratioun that at the expyryng Off all the saidis yeiris The right of the saidis teyndis and power to sett takis thairroff sall returne and appertene to the foirsaidis titularis of the foirsaidis benefices As they did before the making of this present act AND OURE said souerane lord with aduyse of the estaittis Declairis and ordanis this present Commission to begin vpoun the tent day of Januare nixtocum with Continewatioun of dayes and to lest and iudure during the space of yeir and day thairefter And efter the which tyme the same sall cease and expyre And ordanis the decreit and sentence of the saidis Commissionis in all the particularis foirsaidis and everie ane of thame to have the strenthe force and authoritie of ane decreit sentence and act of parliament for obedience quhairroff The lordis of Session sall direct and grant Lettres in forme as effeiris and according as salbe necessary which commissioun abonewrittin taking force and full effect in all the saidis particularis thairin conteanit as the same ar sett down and Comprehendit thairin by pronounciatioun of decreit and sentence vpoun the same Conforme to the powar thairin Comprehendit gevin vnto the saidis Commissionis OURE SOUERANE LORD with expres Consent and assent of the Estaittis in that Cace findes and declairis That no persoun in quhois fauoures The teyndis of kirkis and benefices ar erected nor no vther quhatsoever bruiking teyndis by vertew of rightis lauchfullie made to thame Off the same according to the Lawes of this realme then standing salbe evir farder alterit or querrellit in anye of thair saidis rightis in any tyme to cum farder then salbe appoyntit by the said decreit and sentence to follow vpoun this present Commission bot the saidis rightis and securities incace foirsaid sall remayne in thair awin strenthe force and effect as gude Lauchfull and sufficient rightis and securities to thame and everie ane of thame for thair awin pairtes for bruiking and enjoying of the saidis teyndis Cpnforme to the tennour off the saidis rightis for now and evir

## CAP. 6.

[1621, cap. 6.]

## ACT anent Comprysingis

OURE Souerane Lord and Estaittis of Parliament Considdering That his maiesties Liegis ar grytlie damnified and preiudgit be the abvse and evill custome whiche heirtofore has bene obserued in Comprysingis Whereby lordschipes baronies and vther gryit portiounes of Landis ar Comprysit for small sounes of moneye And thairby the Compryser hes right to the mailles dewties and profittes of the Landis Nochtwithstanding that they far exceid the profite of that soume of money for the whiche The saidis Landis ar comprysed FOR REMEID quhairroff . . . . giff that the persoun aganes quhome comprysing is Led be minor and of Lesser aige IT is statute and ordanit That it sall be lauchfull to him at ony tyme within his perfyit aige of Tuentie fyve yeiris Compleit to redeme the saidis Comprysit Landis by payment of the sounes for the whiche the said Comprysing was led and of the lauchfull annuallentis thairroff according to ten for ilk hunderethe Togidder with the expenses bestowed in passing and obteneing of the infetment frome the superiour and ordinarie annuallent of the same Togidder also with the necessarie expenses bestowed in leiding and deduceing Off the said Comprysing as is abone writtin And that notwithstanding of the preceeding Lawes and practike of this Kingdome by the whiche the Legall reversioun of Comprysit landis expyrit within sevin yeiris efter the Leiding of the

Comprysing frome the whiche His Maiestie and Estaittis hes by this present act and statute excepted Minoures in all tymes Cuming Declairing the same nawayes to rune aganes thame . . . . And gif it salhappin a minor haveing right to redeme Comprysit Landis as said is To deceis before he be of perfyit age off Tuentie fyve yeiris and that a vther minor be heire or succede unto him in his right of reuersioun and tytill Competent to him for redemptioun of the saidis Comprysit Landis That minour so succeeding in the rightis salhave the same Libertie and priuiledge abonewrittin for redemptioun of the saidis Landis siclyke and in the same maner as gif they had bene Comprysit frome him self quhairin he sall nawayes Be preiudgit by the yeiris whiche ran efter the Comprysing in the Lyiftyme of that persoun minour in quhois right he succeedit bot that he may siclyk lauchfullie redeme the same at anye tyme before his Maioritie as said is **AND IT IS DECLARED** That incace anye minour haveing the right of the said reuersioun Competent vnto him salhappin to deceas efter the expyreing Off sevin yeiris outrune efter the said Comprysing And that a persoun of perfyte yeiris succede to the said minour In the right of his reuersioun aforesaid In that cace the said persoun maior so succeeding salbe halden and astricted to redeme the saidis Comprysed Landis within the space of yeir and day efter the deceis of the said minor in quhois right he succeedit vtherways The said redemptioun not being vseit by him within that space he salbe perpetuallie secludit frome all benefite quhilk he may Clame by the reuersioun and successioun thairto fairsaid and all power of redemptioun of the saidis Landis by vertew thairoff Bot gif at the tyme Off the minoures deceis all the saidis sevin yeiris wer nocht expyred It salbe lauchfull for his said successoure (being maior) to redeme within the space of so manye of the saidis sevin yeiris as wer not outrune the tyme of the minoris deceis siclyk as gif the saidis Landis had bene Comprysit frome the said minour him self whiche tyme being expyrit and he doing no diligens he salbe excludit frome the benefite of his reuersioun And it is speciallie prowdyt that in all the abonewrittin Caces gif the Comprysed Landis be not worthe such yeirlie quantitie of maill and dewtie as will proportionallie effeir to the annualrent of the said money at ten for euerie hunderethe for the whiche Comprysing is Led or being worthe that the same is exhaustit by vther Lauchfull deidis whiche may render the same vnprofitable to the Compryser and vnansurable to the annuelrent of the soumes for whiche he hath Comprysed ather in haill or in pairt Then and in that Cace The redemer Quhidder he be maior or minor salbe haldin before he can redeme or outquyte the saidis Landis frome the Compryser to refund and pay to him The full annuelrent and profite Off the soumes for the whiche the Landis wer Comprysed so far as he wanteth and inlaiketh by the benefite of his said Comprysing And gif the rent of the Land so comprysed Consist in victuell The estimatioun and Consideratioun thairoff salbe had according to the Commoun pryces of victuell in those schyres Quhair the Comprysed Landis ly according as the same geveth betuix yule and candlemes . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

#### CAP. 7.

[1621, *cap.* 7.]

#### ANENT adiudicatiounes

OURE Souerane Lord and Estaittis off Parliament Considerding the greit preiudice sustenit be dyuerse and sindrie Creditoures by deceas of thair debtoures who being prevenit by the diligens of thair concreditoures by obteneing of Sentences of adiudicatioun of thair defunct debtoures Landis and Estate Inrespect of the refusall of the nerrest of kin to enter aires to thame ar secludit frome participatioun of anye pairt Off the Landis and guidis perteneing to thair saidis defunct debtoures they being commoun dettoures to the saidis haill creditoures Contrarie to all equitie and ressoun **FOR REMEID** quhairoff It is statute and ordanit That all

adiudicatiounes To be obtenit by anye persoun at anye tyme heirefter Off anye of thair defunct dettours Landis and estate quhatsoever with all rightis and Infeftmentis following thairpoun salbe redimable frome the pairtie obtenar of the saidis sentences of adjudicatioun thair aires and assigneys at any tyme efter the pronouncing of the same AT the instance of anye concreditoure of the said defunct dettour or of anye Creditour of the said persoun quha renunceth to be heire to his predicessoures quho sall happin thairefter to obtene decreit of adjudicatioun aganis the appering air of the defunct dettour and that within the space of sevin yeiris nixt and Immediatlie following the obtening of the saidis sentences off adjudicatione by payment of the soumes of money specifeit in the saidis sentences Togidder with the annuelrent of the same soumes According to ten for ilk hundereth thairoff during the tyme of the not redemptioun Off the same And Off the expenses sustenit by thame in obtening of the saidis sentences to be taxed and modifiet by the Lordis of Counsell and session by payment of the whiche soumes The said concreditoure sall cum in the place and right of the pairtie frome quhome he redemeth And sall bruke the same by vertew thairoff perpetuallie thairefter except it salhappin ane vther concreditour quha sall obtene the Lyik sentence of adjudicatione to redeme the same frome him within the space abonewrittin In the whiche Case It is declairit That the pairtie redemer in the second third or fourt rounne and so furthe so long as thair ar onie Concreditoures salbe obleisit not onlie to pay the soumes Conteanit in the adjudicatiounes obtenit at the instance Off the pairtie frome whome he redemeth bot also the haill soumes whiche wer payit by him vnto the former concreditoures for redemptioun of thair adjudicatiounes with the annuelrent and expenses in maner abonespecifeit IT IS alwayes declared That gif the pairtie frome whome the saidis adjudicatiounes salbe redemit did vplift the fermes and dewties of the Landis and vtheris Contenit in the adjudicationes That then and in that Case the pairtie redemer sall not be holdin to pay anye annuelrentis or expenses bot in sa far as the same annuelrentis and expenses excede and ar mair then the maillis fermis and dewties intronettitwith by the pairtie frome quhome the same is redemit And giff the saidis maillis fermes and dewties excede bothe the annuelrent and expenses IT IS declairit that the superplus salbe allowed in the principall soume by the sight of the Lordis of Counsell Consideratioun being hade of the pryces of the fermes and victuell as the same wer commonlie sauld betuix yuill and candlemes In the schirefdome quhair the landis ly . . . AND SICLYIK It is declared That incace anye minor quha hes renuncit in his Minoritie be reponit (in Integrum) aganis the same renunciatioun That then and in that case He sall have place to redeme frome the haill creditoures by payment Off the saidis haill soumes auchtand vnto thame and quhairvpoun they obtenit adjudicatioun in maner and with the prouisiounes abonespecifeit and all the rest of the priuiledgis grantit to minouris in Comprysingis to be Lyikwayes grantit in adjudicationes quhilkis ar heir haldin as repeltit

[*In part rep.*, 6 Ed. 7 c. 38 (*S.L.R.*.)]

---

CAP. 10.

[1621, *cap.* 10.]

ACT declairing summes Grasse gevin to the Ministeris for thair gleibis to be teyndfrie

OURE Souerane Lord and Estaittis of this Present Parliament Considdering in the fyift parliament haldin be his Maiestie vpoun the Tuentie fyve day of Julij in anno J<sup>M</sup> v<sup>c</sup> [three]scoir aughtene yeiris Cap. 62 His hienes with aduyse and consent Off the Estaittis found and declared that the ministeris and reidaris aucht and suld pay no teynd for thair gleibis and kirklandis extending to four aikeris of land designit vnto thame Conforme to the act of Parliament bot decernit and declared thame to be frie of thair saidis teindis and dischargit thame simpliciter thairoff in all tyme Cuming Lyikas in the Parliament baldin at Perth the nynt day of Julij in anno J<sup>M</sup> vj<sup>c</sup> and sex yeiris Cap. 7 It is ordanit That thair salbe designit to the Ministeris serveing the

Cure at kirkis quhair thair is no Arable Land adjacent thairvnto The number of foure Sommes grese for everie aiker of four aikeris of glebe extending to sextene Sommes grese for the four aikeris of Land and that of the most Commodius and best pasturage of anye kirk landis Lying nixt adjacent and most ewest to the kirk And Ordanit Lettres to be directed for the removeing the possessoures therefrome In suche lyik forme as aganis the possessoures of manses and glebis And in respect That the Ministeris gleibis ar teynd frie and that by Consequence The soumes grese abone-mentionat designit in sted thairof quhair no arable Land is adjacent vnto kirkis aucht Lyikwayis of all equitie and reasoun to be teyndfrie In respect the same is dedicated and appoyntit ad Pios vsus HEIRFORE Oure said souerane lord with aduyse and Consent Of the whole Estaittis of this present Parliament by the tennour heiroff declairis That the ministeris and reidaris aucht and suld pay no teynd for thair soumes grese designit vnto thame in place of thair glebe quhair no arable Landis ar adjacent to kirkis And decernis and declairis thame to be frie of thair teyndis and dischargis thame simpliciter of all payment thairoff in all tyme cuming

## CAP. 14.

[1621, cap. 14.]

## ANENT Playing at Cardes and dyce and Horse races

OURE Souerane Lord and Estaittis of Parliament Considdering the monyfold evillis and inconvenientis whiche ensew vpoun Carding and dyceing and horse races Whiche ar now over muche frequented in this Cuntrey to the gryit preiudice Off the Liegis And becaus honest men ought not expect that anye wyunning hade at anye of the games abonewrittin can do thame guid or prosper Haue thairfore statute and ordaned That no man sall play at Cairdes nor dyce in any Commoun hous toun ostlarye or kuikis houses vnder the payne off fourtie pundis money off this realme To be exacted Off the keiper of the saidis Innes and Commoun houses for the first fault and Loss of thair Liberties for the nixt Mairouer that it sall not be lawfull to play in onye vther private manis house bot quhair the maister of the famielie playes him self And giff It salhappin anye man to win anye sowmes of money at Carding Or dyceing Attoure the soume of ane hundereth merkis within the space of Tuentie four houres Or to gayne at waigeris vpone horse Races anye soume attoure the said soume of ane hundereth merkis The superplus salbe Consignit within tuentie four houres thairefter in the handis of the thesaurer for the kirk if it be in edinburgh Or in the handis of suche of the kirk sessioun in the Cuntrey parochines as Collectis and distributis money for the Poore of the same To be employed alwayis vpoun the pure of the parochie Quhair suche wyunning sall happin to fall out And to the effect that ather excess in playe may be thus restrayned Or at the leist that excessive winning may be employed as said is OURE SOUERANE LORD by actis of his supreme Court of parliament gevis full power and Commissioun to the bailyeis and magistrattis of borrowes The schirreffis and Justices of peax in the Cuntrie To persew and Convene all suche persounes for all wyunning at Cardes or dyce and horse races whiche salhappin to be made by any persoun by and attoure the said soume of ane hundereth merkis money foirsaid And incace the magistrat informed thairoff refuis to persew for the same The pairtie Informer sall have actioun aganis the said Magistrat for double of the lyik soume the ane half quhairto be be gevin to the pure and the vther half to the pairtie informer

## CAP. 18.

[1621, *cap.* 18.]

A ratificatioun of the act of the lordis of counsell and Sessioun made in Julij 1620 aganis vnlauchfull dispositiones and alienationis made be dyvoures and bankruptis

OURE Souerane Lord with aduyse and consent off the Estaittis convenit in this present parliament Ratifies and appreis and for his hienes and his successoures perpetuallie Confirmes the act of the Lordis of Counsell and sessioun made aganis dyvoures and bankruptis at edinburcht The tuelff day of Julij 1620 And ordanis the same to haue and tak full effect and executioun as ane necessarie and profitable law for the weill of all his hieghnes subiectis Off the Quhilk act the Tennoure followes

THE LORDIS Off Counsall and sessione Vnderstanding by the grevous and Just Complayntis of many of his Maiesties gude subiectis That the fraude malice and falshoode of a number of dyvoures and bankruptis Is becum so frequent and awowed and hathe alreddy taikin sick progres to the overthrow of many honest menis fortunes and estaittis That it is Liklie to dissolue trust Commerse and faythfull dealing amang subiectis Quhairvpoun must ensue the Ruine off the whole estate gif the godles deceatis of those be not preventit and remeidit who by there apparent welth in Landis and guidis and by thair schow of conscience credite and honestie drawing into thair handis vpoun trust the money merchandice and guidis of weilmeaning and Credulous persounes do no wayes intend to repaye the same bot ather to leiff Ryioutouslie by wasting of vther menis substance Or to enriche thame selfis by that subtilte stealthe of trew menis guidis And to withdraw thame selfis and thair guidis furth of this realme to elude all executioun of Justice and to that effect and in manifest defraud of thair creditouris do make simulate and fraudfull alienationes dispositionnes and vtheris securities of thair landis reuersiounes teyndis guidis actiounes dettis and vtheris belonging vnto thame to thair wyiffes Childrene kynnismen alleis and vther confident and Interposed persounes without anye trew Lauchfull or necessarie caus and without anye Just or trew pryce Intervening in thair saidis barganis Wherby thair Just Creditoures and Cautioneris ar falslie and godleslie defraudit Off all payment Off thair Just dettis and manye honest famelies Liklie to cum to vtter Ruine FOR REMEID quhairoff The saidis lordis according to the power gevin vnto thame by his Maiestie and his most noble progenitoures to sett down ordouris for administratioun of Justice Meaning to follow and practize the guid and Commendable lawis Civill and Cannone maid aganis fraudfull alienatiounes in preiudice of creditouris and aganis the authoures and partakeris of suchie fraude Statutes Ordanis and declairis That in all actiounes and Causes depending Or to be intentit by any trew Creditour for recoverie of his Just debt Or satisfactioun of his lauchfull actioun and right They will decreit and decerne all alienatiounes dispositionnes assignatiounes and translatiounes whatsoever made by the dettour of ony of his Landis teyndis reuersiounes actiounes dettis or guidis quhatsoever to anye coniunct Or confident persoun without trew Just and necessarie causes and without a Just pryce realie payit the same being done efter the Contracting of lauchfull dettis frome trew creditoures to have bene frome the beginning and to be in all tymes Cuming null and off nane avail force nor effect at the instance of the trew and Just creditour be way off actioun exceptioun or repley without farder declaratour And incase anye of his Maiesties gude subiectis (no wayis partakeris of the saidis fraudis) have lauchfullie purchesit anye of the saidis bankruptis Landis or guidis by trew barganis [for] Just and competent pryces or in satisfactioun of thair lauchfull dettis frome the Interposed persounes trusted by the saidis dyvoures In that cace the right Lauchfullie acquyrit be him quha is nawayes partaker of the fraude sall not be annulled in maner foirsaid bot the ressaver off the pryce of the saidis Landis guidis and vtheris frome the buyer salbe haldin and obleisit to mak the same furthcoming to the behuiff of the bankruptis trew creditouris in payment of thair Lauchfull dettis and it salbe sufficient probatioun of the fraude intended aganis the creditoures if they or ouie of thame salbe hable to verifie by wreate or by oathe of the pairtie receaver of anye securitie

frome the dyvoure or bankrupt that the samen was made without anye trew Just and necessarie caus or without anye trew or Competent pryce Or that the landis and guidis of the dyvoure and bankrupt being sold by him who bocht thame frome the said dyvoure the whole or the maist part of the pryce thairoff wes Converted Or to be converted to the bankruptes proffite and vse Prowyding alwayes That so muche of the saidis Landis and guidis or pryces thairof so trusted by bankruptis to interposed persones as hath bene reallie payit or assignet by thame to anye of the bankruptis Lauchfull creditoures salbe allowed vnto thame They making the rest furthecuming to the remanent creditoures who want thair dew paymentis And if in tyme Cuming anye of the saidis dyvoures or thair Interposed partakeris of thair fraude sall mak anye voluntarie payment or right to ony persoun In defraude of the lauchfull and more tymelie diligence of ane vther creditoure haveing servit inhibitioun or vseit horning arreistment Comprysing Or vther lauchfull meane dewlie to affect the dyvoures Landis or guidis or pryce thairoff to his behuiff In that Cace the said dyvoure or interposed persone salbe holdin to mak the same furthoumand to the creditour haveing used his first lauchfull diligens who sall lyikwayis be preferrit to the Concreditour who being posteriour vnto him in diligens bathe obtenit payment by partiall faouere of the dettour Or of his Interposit Confident And salhave gude actione to recover frome the said Creditour that whiche was voluntarlie payit in defraude of the persewaris diligens FINALLIE THE LORDIS declairis all suche bankruptis and dyvoures and all interposed personis for covering or executing thair fraudis and all vtheris who sall gif Counsell and wilfull assistance vnto the saidis bankruptis in the dewysing and praktiezing of thair saidis fraudis and godles deceittis to the preiudice of thair trew Creditoures Salbe reputed and holden dishonest fals and Infamous persones vncapable of all honoures dignities benefices and offices or to pas vpoun Inquestis or assyses Or to beir witnes in Judgement or outwith in anye tymes Cuming

## CAP. 20.

[1621, cap. 20.]

## ACT ordaning annuelrent to be dew efter Horning

OURE Souerane Lord and estaittis of Parliament Considdering the gryit preiudice whiche dyuerse of his maiesties liegis sustene by the want of thair money lent and gevin furthe vpoun band or contract or vtherwayis Justlie awand to thame by thair dettours Quha haveing vseit all executioun Competent to thame by law aganis thair dettours by Chargeing and putting of thame to the horne ar forced efter many yeiris to receave thair principall soume and penaltie without anye satisfacioun of there annuelrent and Interes of thair money in the meane tyme Whiche as it is a preiudice vnto the trew creditours so it is ane occasioun to the dettours to coneteme his Maiesties charges and Lettres of horning who resolute in end to pay na mair for releif of the horning eftir manye yeiris delaye then they wer obleist vnto at the begynning FOR REMED quhairoff His Maiestie with aduyse and consent Off the Estaittis of Parliament Statutes and ordanis that whensoever anye persone is denunceit rebell and put to the horne for not payment of soumes of money awand by him be band Contract or vtherwayis That eftir the said denunciatioun The said persoun so denuncit salbe subiect in payment off annuelrent for the saidis soumes for the whiche he is put to the horne and that off all yeiris and termes frome the date of the said denunciatioun vnto the tyme of the payment off the same and that nochtwithstanding thair be no Pactioun nor Conditoun of annuelrent maid betuix the saidis parties whiche may bind the said partie who is denuncit rebell vnto the payment thairoff . . .

[In part rep., 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 22.

[1621, *cap.* 22.]

## ANENT Counterfuteing And making of fals Wreatis

FOR Eschewing the danger quhairin manye of his Maiesties liegis stand by Counterfuteing and falsefeing of euidentis IT IS statuted and Ordanit That whosoeur maketh and vsethe a false wreate or is accessorye to the making thairoff Salbe punisheit with the paynes dew vnto the Committeris of falshood AND IT SALL not be Lauchfull for anye persoun Counterfuter falsiefer or accessorie quhatsoeur To declare in Judgement That he passeth frome the wreate querrellit of falshood Bot gif efter the tryell The wreate querrelled be fund false The passing frome or declaratioun of the pairtie that he will not vse the same sall nawayis freith him frome the punischement whiche is dew vnto those who Commit falshood

## CAP. 31.

[1621, *cap.* 31.]

## ANENT hounting and haulking

OURE Souerane Lord and Estaittis of this present Parliament Statutes and ordanis That no man hunt nor haulk at anye tyme heirefter quha hes not a pleughe of land in heretage vnder the payne Off ane hunderethe pundis Ordanis his Maiestie to have the ane halff of the penaltie of the Contravenaris of this present act and the dilatour to have the vther halff of the said penaltie

# ACTA PARLIAMENTORUM REGIS CAROLI PRIMI.

PARLIAMENT AT EDINBURGH, 18TH JUNE 1633.

CAP. 3.

[1633, *cap.* 3.]

ANENT his Majesties royall prerogative and Apparell of kirkmen

OURE Soverane Lord With advyse consent and assent of the whole estaites acknowledging his Majesties Sovereigne authoritie princelie power royall prerogative and priuiledge of his crowne over all estaites persones and causes quhatsumevir within this kingdome Ratifies and approues the act of parliament maid in the yeir 1606 Anent the kings royall prerogative And perpetuallie Confirms the same for his hienes his airs and successors Als amplie absolutelie and frielie in all respectis as ever any of his Majesties royall progenitors did possess and exercise the same . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

CAP. 6.

[1633, *cap.* 6.]

AGAINST the inverting of pious donationes

OURE Soverane Lord With the advyse of the estates wnderstanding that certane persones piouslie disposed haue of late bestowed certane giftes in lands heretages and sovmes of money in favours of colledges schooles hospitalls and vther pious vses Which by the administrators and such others as they haue entrusted With the managing thairroff ar inverted to vther vses than the will of the disponder vpon some specious pretences contrarie or different frome the disponers intencion to the evill example of others And the hinderance of such and the lyke chiritable workes against all reasone and conscience THAIRFOR it is statuit and ordanit That it sall nowayes be lawful to alter chainge or invert any of the saidis gifts legacies and other pious donationes to any vther vse than the specifick vse quhairwnto they ar destinate by the disponder himself And that the airs executors or vtheris entrusted with the saidis gifts and legacies sall be comptable for the same to the vse of the kirkes colledges and vthers to quhome the saidis dispositiones wer maid And that actiones sall be competent ather to the saidis kirkes colledges and vthers to quhome the same wer disponsit or to the bishops and ordinaries within the diocesses quhair the saidis kirks schooles and others abonespecifiet ly for compelling thame to apply the same to the trew vse And to mak compt and payment of the ordinarie profeitts of everie yeirs intromissioun at the rate allowed by the lawes of the realme by and attoure the fulfilling of the disponers will And this act to be extendit to all dispositiones maid at any tyme since the majoritie of king James the saxt or to be maid heireftir in all tyme coming And that letters of horning be direct at thair instance by deliverance of the lords of session without citatione of pairties

## CAP. 7.

[1633, cap. 7.]

## ANENT invading of ministers

OURE Soverane Lord With the advice of the estaites Ratifies and approues the act of parliament maid in the yeir of god ane thousand fyve hundreth fourscoir and sevin yeires Anent the invaders of ministers With this explanatioun and additioun That quhasoevir invades any minister or putts any violent hands one him by thameselffis thair men tennents servants or any vthers by thair bounding out directione or allowance for quhatsoever caus or occasione Whether the same be for the caus contenit in the said act or for any vther caus otherwayes then by order of law or doeth offer violence to thame sall incur the lyke paine as is contenit in the said act and sall be judged eftir the forme and maner thairin prescryved and declares that the same sall be extendit to all . . . ministers quhatsoever haveing power by lawfull warrant to preach and administer the sacraments . . .

[In part rep., 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 8.

[1633, cap. 8.]

## RATIFICATIOUN of the act of commissioun anent the ministers provisiounes

OURE Soverane Lord With the advyse and consent of the estates of parliament Ratifies and approves the act of commissioun of surranders and teinds of the dait at Halyrudhous the tuentie saxt day of June the yeir of god 1627 yeirs Whair of the tennor followes The commissioners eftir reasouning vpon the lowest proportion and provisioun quhairwith the ministrie serveing the cure at each kirk sall be provydit Hau fund it meit and expedient that the lowest proportiounes sall be aucht chalder of victuall quhair victuall is payed or proportionallie in silver or victuall as the commissioners sall appoint at the setling of the kirk and according to the estait of that pairt of the cuntrie quhair the payment of the stipend sall occurre And think it meit That the said proportiounes of aucht chalder of victuall or proportionallie in silver as said is sall be the lowest maintenance to each kirk except such particular kirkes occurre quhairin thair sall be a iust reasonable and expedient caus to goe beneath the quantitie now determined And His Majestie and estates forsaides referres to the commissioners to be chosen by his Majestie at this present parliament The consideratioun of the reasones and causes quhich may move thame (eftir the valuatione of the trew worth of the teinds of ilk parochie be closed) To determine and modifie a lesse quantitie for the ministers maintenance nor the quantitie forsaid of aucht chalder of victuall or aucht hundreth merks in victuall or moneys proportionallie And quhat the saids commissioners sall determine thairin the same to stand Notwithstanding of this present ratificatioun And also his Majestie and estates ratifies and approves the whole particular acts of the said commissioun of surranders and teinds quhairby stipends ar appointed and modifiet by the saids commissioners alreadie AND ordaines the ministers to quhome the same is assigned to haue intromissioun thairwith And that the lordes of sessioun direct letters of horning and pointing in favours of the saids ministers conforme thairto vpon ane simple charge of ten dayes allanerlie And also vpon all vther acts to be maid for plantatioun of kirkes by the Commissioners appointed by his Majestie and estates for that effect And it is declared that thes presents sall be without preiudice to the titulars and vthers having interest to persew for rectifeing of such valuationes as ar or salbe enormlie [under] valued And also without preiudice of the ministers maintenance and augmentatioun proportionallie effeiring to the trew and iust worth of the teind

## CAP. 15.

[1633, cap. 15.]

## ANENT his Majesties annwitie of Teinds

OURE Soverane Lord And estates of parliament Ratifies and approues the act of the  
 generall commissioun of Teinds and surrenders of the dait at Holyrudhous the tuentie  
 nynt day of may 1627 yeirs Whairby it is fund and ordanit That his Majestie and  
 his successors sall haue the constant rent and dewtie following payed out of the teind  
 bolles of victuall And out of the bodie of the rest of the teinds of the kingdome  
 redacted in money Except the teind bolles and silver payit to the Bischops being the  
 rent pertaining to thame in the estait quhairin the same is presentlie payit or  
 presentlie payable to thame and except the teind bolles and silver payit to ministers  
 in name of stipend for serving the cure And to the colledges hospitalls and other  
 pious vses That is to say of everie teind boll of the best quheat ten schillings of everie  
 boll of the best teind bear aucht schillings And of everie boll of the best teind oates  
 meale peise and ry sax schillings And quhair oates ar of that nature that they will  
 not rander abone half meale The rent to be thrie schillings And quhair the bolles of  
 victuall ar of inferiour goodnes worth and pryce nor the best That his Majesties  
 annwitie furth thair of sall be modifiet proportionallie And quhair the rent doeth not  
 consist in victuall bot in money That his Majestie and his successors sall haue of  
 everie hundreth merkes of parsonage and viccarage teind not consisting in victuall  
 rent The soyme of sax markes money Together with the act of the said commissioun  
 of the dait AT Holyrudhous the aucht of august 1628 Whairby it is ordanit That the  
 payment of the said annwitie sall haue the begining of the crope and yeir of god 1628  
 Together with ane other act of the said commissioun of the dait AT Holyrudhous the  
 the fourteine day of July 1630 Whairby letters of horning ar ordanit to be direct at  
 the instance of his Majesties thesaurer for payment of the said annwitie of the cropes  
 1628 and 1629 and yeirlie in tyme coming Together with ane act of the conventioun  
 of the Estates of the dait AT Holyrudhous the tuentie nynt of July 1630 yeirs  
 Whairby the saids estates haue ratified and approued The said act of the dait and  
 tenor foirsaid Anent letters of horning to be direct at the instance of his Majesties  
 thesaurar for payment of his Majesties annwitie of the crops and yeirs of god 1628  
 and 1629 and yeirlie in tyme coming And Sielyk ratifies and approues the act of the  
 said commissioun of the dait the tuentie thrie of Marche 1631 yeirs Whairby it is  
 ordanit that in all teinds Which sall be wnvalued betuix and the first of august thair-  
 eftir That the heretour sall pay his Just teind according to the fyft part of the  
 present rent ay and quhill the constant rent be determined And whairby it is statuit  
 and ordanit That his Majestie sall haue richt To vplift his annwitie according to the  
 said fyft part of the present rent ay and while the said constant rent be determined  
 Together with ane other act of the said commissioun of teinds and surrenders of the  
 dait at Holyrudhous the fourteine of december 1631 yeares And ratified by the lords  
 of Secreit counsall vpon the tuentie day of the said moneth of december Whairby it is  
 Statuit and ordanit for ane interim That the annwitie of teinds consisting in victuall  
 sall be payit to his majestie of all yeares bygane and in tyme coming conforme to the  
 tenor of the said last act And that according to the iust and trew prices of the victuall  
 in ilk part of the cuntrie Compting for ilk hundreth markes of the pryces of the said  
 victuall being redacted in money sax markes for his Majesties annwitie Which act is  
 thaireftir vpon the tuentie of december 1631 ratified by the lords of Secreit counsall  
 And letters of horning and poynding ordanit to be direct thairvpon And thaireftir  
 ratified by the lords of exchequer vpon the tuentie thride of the said moneth of december  
 And his Majestie and estates Statuit and ordaine the said annwitie furth of the teinds  
 To be payit to his Majestie and his successors of the said crope and year of god 1628  
 And of all years sensyne and in tyme coming And that als weil out of the wnvalued  
 as valued teinds conforme to the tenours of the said actes of Conventioun Secreit  
 counsall and exchequer And ordaines letters of horning and poinding to be direct  
 by the lords of his Majesties exchequer at the instance of his Majesties thesaurar  
 principall and deputte for payment of the said annwitie of all yeares bygane and in

tyme coming And ordaines the lords of his Majesties exchequer To sitt at all convenient tymes for granting and discussing of suspensiones touching the said annwitie of teinds IT is alwayes declarit That the last clause and article contenit in the said act of annwitie Whairby the commissioners think fitt That the said annwitie of teinds sall be annexit to the crowne Is nowayes ratified by this present act nor no clause thairof And that his Majestie takes to his owin gracious consideratione what to doe thairanent in whole or in pairt As his Majestie in his royall wisdoms sall think most expedient And whatever his Majestie sall doe now or heireftir thairanent sall be als valide and effectuell as if the same had beine particularlie exprest in this present act

## CAP. 17.

[1633, cap. 17.]

## ANENT the Rate and pryce of Teinds

**FORSOMUCH** As oure Soverane lord out of his royall and fatherlie cair Tendering the publike good of this his auncient kingdome did immediatlie eftir his happie attaining to the crowne publish and giue furth his royall declaratione Anent the reforming of the abuses vsed in leiding of teinds Whairine his Majesties vmquhyle father of eternall and blissed memorie laboured soe much in his tyme And for provisione and maintenance of kirks and other pious vses furth of the saids teinds And now his majestie being by gods gracious providence present in his royall persone within this his Majesties auncient kingdome And holding this his first parliament of his whole estates of the same with quhome his Majestie haith advysed and resolved To put that glorious worke Anent the teinds to a full perfectione THAIRFOR his Majestie With consent of the thrie estates by these presents Statuites ordaines and declares That thair sall be no teind scheaves or other teinds personage or viccarage led and drawin within the kingdome Bot that each heretor and lyfrentar of lands sall haue the leiding and drawing of thair awin teind The same being first trewlie and lawfullie valued And they paying thairfor the pryce eftirspezifiet incaice they be willing to buy the same or otherwayes paying thairfor the rate of teind eftirspezifiet Lykas his Majestie and estates find and declair that the iust and trew rate of teinds is and sall be the fyft part of the constant rent Which each land payeth in stock and teind quhair the same ar valued jointlie And quhair the teinds ar valued a part and seuerallie that the just rate thairof is and sall be such as the same is alreadie or sall be heireftir valued and proved befor the saids commissioners or subcommissioners deducing the fyft part thairfor for the ease of the heretors Reserving alwayes libertie to such as sall find thameselfes enornlie hurt by the leiding of the saids valuationes To persew for rectifeing of the same befor the commissioners appointit by his Majestie and estates for that effect And also his Majestie with consent of the thrie estates finds and declares That the pryce of all teinds Which may be sold and annalied consisting ather in money victuall or other bodies of goodes is and sall be rewled and estimat according to nyne years purchase The pryces of victuall and other bodies of goodes quhairof the teind consists being redacted in money According to the worthe and pryce of victuall and goodes in each pairt of the cuntrie To the quhich the same is and sall be pryzed and estimat by his Majesties commissioners alreadie appointit or to be appointit to that effect And finds and declares that each heretor in the kingdome being willing to buy his awin teind frome the titulars having power to sell the same sall be obliged to buy the teinds of his awin lands Except soe much as sall be localle assigned to the minister serving the cure of the kirk for his maintenance And to pay the pryces forsaid . . . And quhair the saids teinds ar coft by the heretors as said is finds that the heretor sall be obleist to give to the lyfrentar of the saids lands having richt thairto by contract of mariage lyfrent infetment conjunctie or reservation furth of the infetment of fie the leiding of the teinds of thair said lyfrent lands for payment of the rate of the teind of the same And Siclyk findes that in all caices quhair teinds ar not coft that the heretors or lyfrenters of lands quha haue the leiding

of thair awin teinds be thameselfes thair tennants and others in thair name sall be obleist to pay to the titulars of teinds the yearlie rate thair of according to the valuatione of the same maid or to be maid and to give securitie thair of According to the order sett downe and prescribed by the commissioners of surrenders and teinds or to be sett downe by the commissioners appointed or to be appointed by his Majestie with consent of the estates of this present parliament deducing soe much thair of as sall be assigned to the minister for his maintenance IT is alwayes declarit that quhither the saids teinds be sold or not his Majestie sall haue his annwitie furth of the same According to the tenor of the act of annwitie And becaus sundrie questiones may aryse both anent the valuatione of teinds and pryce of the same in divers pairts of the cuntrie And anent the securities to be maid by the titulars to the heretors quha buy thair teinds and by the heretors to the titulars of the pryce to be payit for the same quhair the teinds ar coft or for payment of the raite of teind quhair the same is not coft And Siclyk anent the provisione of the kirks with competent maintenance and for divisione of the pryce of teinds betuix the heretors and lyfrentars and rectifieing of valuationes alreadie led to the enorme hurt and prejudice of these having interest Thairfor his Majestie and estates haue referred and referres the determinatione of the saids particulars and all others concerning the teinds to the commissioners appointit by his Majestie and estates in this present parliament IT is alwayis declarit that this present act sall be no farther obligator againes quhatsumever Archbischope Bischops parsones viccars and other beneficed persones being ministers nor thair successors Bot according to the provisiones and conditiones exprest in the submissione maid by the Bischops to his Majestie Which is of the dait the day of 1628 yeirs And registrat in the booke of Commission of surrenders and teinds vpon the thretteine day of July 1631 yeirs Which provisiones and conditiones ar holden as exprest heirin And also it is declarit that the viccarages of each kirk being a seuerall benefice and title from the personage sall be severallie valued To the effect the titulars or ministers serving the cure quha haue richt to the saids viccarages be not frustrat of the trew worth of the saids viccarages

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

# CAP. 19.

[1633, cap. 19.]

COMMISSIONE for valuatione of teinds not Valued rectifieing of the valuationes of the same alreadie maid And other particulars thairin contenit

FORSOMUCH As oure Soverane lord immediatlie eftir his happie attaining to the crowne of this his auncient and native kingdome did out of his royall and fatherlie cair to the publike good thair of give furth his royall declaratione Anent the reforming of the abuses vsed in leiding of teinds And for provisione and maintenance of kirkes and other pious vses furth of the saids teinds And also for restoring the crowne to the superiorities of quhatsumever benefices and temporalities thair of erected in temporall livings and againes other preiudices and detriments done to the crowne mentionat in the said declaratione And albeit his Majestie haith beine still vrging and following the performance of the particulars forsaides these fyve years bygone or thairabout by commissione direct by his Majestie wnder his great seale To that effect Whairin thair haith beine good progres maid yett the same could not tak a full end without the authoritie of a parliament Lykas his Majestie out of his earnest and tender affection to the publike good of this his native kingdome And for advancing the saids great and glorious workes intendit by his Majestie as said is haith takin the paines to come hither in his royall persone Whair his Majestie being present in solemne parliament with his thrie estates of his said auncient kingdome Haue resolved and concludit vpon the particular actes and statuites eftir following Tending to the publike good peace ease and comfort of his said kingdome and subjects thair of videlicet His Majestie and estates forsaides haue ratified the act of commissione of surrenders

and teinds of the dait at Holyrudhous the tuentie saxt day of June 1627 yeiris Whairby it is fund meit and expedient that the lowest proportiōne for maintenance of ministers sall be aucht chaldre of victuall or aucht hundreth markes proportionallie except such particular kirks occur Whairin thair sall be a just reassonable and expedient caus to goe beneath the forsaid quantitie And haith referrit the considerations of the reassones and causes thair of to the commissioners to be chosin by his Majestie with consent of the estates in maner contenit in the said act Lykas also his Majestie and estates by ane other act and ordinance haith Statuit and ordanit And declarit that each heretor and lyfrentar of lands respective sall haue the leiding and drawing of thair awin teinds The same being first trewlie and lawfullie valued And they paying thair for the pryce eftirspecifiet incaise they be willing to buy the same or otherwayes for the yeirlye payment of the rate of teinds eftirspecifiet Lykas his Majestie and estates haue by the said act fund and declarit That the trew and iust rate of teind is and sall be the fyft part of the constant rent Which ilk land payes in stock and teind quhair the same ar valued jointlie And quhair the teinds ar valued a pairt and seuerallie That the iust rate thair of is and sall be such as the same is already by vertew of the former generall commissione of surrenders and teinds proved and valued to Or els sall be heireftir valued and proved befor the Commissioners to be appointit by his Majestie with consent of the estates Deducing the fyft part thair of for the ease of the heretors Reserving alwayes libertie to such as sall find thameselfes enormlie hurt by the leiding of the saids valuationes To persew for rectifieing of the same befor the saids commissioners to be appointit by his Majestie and estates forsaid Lykas his Majestie and estates haue by the said act fund and declarit That the pryce of all teinds Which may be sold and annalied consisting ather in victuall money or other bodies of goodes is and sall be ruled and estimat according to nyne yeirs purchase The pryses of Victuall and other bodies of goods quhair of the teinds consist being redacted in money According to the worth and pryce of victuall and goodes in ilk pairt of the cuntrie To the quhich the same is and sall be pryzed and estimat by the saids former commissione of surrenders and teinds Or by the commissioners to be appointit by his Majestie with consent of the estates And also haue fund and declarit That ilk heretor in the kingdome being willing to buy his awin teind frome the titulars having power to sell the same sall be obliged to buy the teind of his awin lands except soe much as sall be locallie assigned to the minister serving the cure for his maintenance And to pay the pryses forsaid to the titulars betuixt and the particular tymes and dyettes exprest in the said act And also haue fund that the heretors sall be obliged to gine to the lyfrentar of the lands the leading of thair awin teinds for payment of the rate of teind of the same And also haue fund that in all caices quhair teinds ar not coft That the heretors or lyfrentars of lands quha haue the leiding of thair awin teinds by thameselfes thair tennants and others in thair names sall be obliged to pay to the titulars of the saids teinds The yeirlye rate thair of According to the order sett downe and prescryvit by the former commissione or to be sett downe by the commissioners to be appointed by his Majestie with consent of the estates deducing soe much thair of as sall be assigned to the ministers for thair maintenance And becaus sundrie questiones may aryse Anent the valuationes of teinds and pryses thair of And anent the securities to be maid by the titulars to the heritors quho by thair teinds and by the heritors to the titulars of the pryce to be payit for the same quhen the teinds ar coft or for payment of the rate of teind quhair the same is not coft And anent the provisiones of the kirks with competent maintenance and other particulars mentionat in the said act THAIRFOR His Majestie and estates by the said act did referre the determinatiōne thair of To the commissioners to be appointit by his Majestie and estates With these declarationes alwayes That his Majestie sall haue his annwitie payit furth of the teinds According to the tenour of the said act of annwitie And that the Archbishops Bischops parsones viccars and other beneficed persones being ministers and thair successors sould be no farther obliged in any of the premisses Bot according to the provisiones and conditiones exprest in the submissione maid by the Bischops to his Majestie Which is of the dait the

day of  
1628 yeirs and registrat in the saids bookes of surrenders and teinds vpon  
the thretteine of July 1631 yeirs And that the viccarages of ilk kirk being a severall  
benefice and title sould be seuerallie valued To the effect the titulars and ministers

serving the cure quho haue richt to the saids viccarages sould not be frustrat of the  
 trew worth of the saids viccarages And siclyk his Majestie and estates by ane other  
 act haue fund and declarit That his Majestie and his successors haue and sall haue  
 wndoubted richt to the superiorities of quhatsumever erectiones few maills few fermes  
 and other casualities thair of Reserving to such lords and titulars of erectioun quha  
 subscribed the generall surrauder the few maills and few fermes of thair saids  
 superiorities ay and while they receave payment and satisfioun of the sovrne of  
 ane thousand merkes vsuall money of Scotland for ilk chaldre of few ferme victuall  
 and for ilk hundreth markes of few maills and for ilk hundreth markes of all other  
 constant rent of the saids superiorities not consisting in victuall or money And not  
 being naked service of vassals According to the tenour of his Majesties generall  
 determinatione And conforme to the conditiones thairin contenit As in the saids  
 thrie actes of this present parliament at mair lenth is exprest AND forasmuch as it  
 is necessarie for determinatione of the particulars forsaid and of all such other pointes  
 Which ar fitt and expedient for the finischng and full perfectione of the said glorious  
 worke anent the teinds maintenance of ministers and other forsaid That a commis-  
 sione be grantit by his Majestie with consent of the estates and by authoritie of this  
 present parliament THAIRFOR his Majestie with consent of the saids estates haith  
 grantit and by these presents granteth full power and commissioun To the persones  
 eftir following To witt nyne of the clergie Nyne of the nobilitie Nyne of the small  
 barounes and nyne of the burgesses Together with my lord Chancellor and aucht  
 officers of estate videlicet George Erle of kinnowll Chancellour Williame Earle of  
 Morton Thesaurar Johnne Archbischope of Sanctandris Thomas Earle of Hadingtoun  
 lord privie seale Patrick Archbischope of Glasgow Williame Earle Marschall George  
 Earle of wintoun Johnne Earle of Perth John Earle of kinghorne Williame Earle of  
 Dumfreis Williame Earle of Sterling secretarie David Earle of Southask Johnne Earle  
 of Traquair thesaurer deputte Johnne Earle of Weymes Archibald lord Napier George  
 lord Corstorphine Alexander Bischope of Dunkell Johnne Bischope of Murray Johnne  
 Bischope of Rosse Adame Bischope of Dunblane David bischope of Brichen Andrew  
 bischope of Argyle George bischope of orknay Sir Johnne hay clerk of Register Sir  
 Thomas hope advocate Sir George elphinstoun justice clerk Sir James galloway  
 Maister of requests Sir robert spottiswoode Sir James learmonth Sir James lokhart  
 younger of ley Sir Johnne charteris Sir Robert grier Johnne boyll of kelburne Sir  
 Williame dowglas of Cavers The laird of Inchemairteine The laird of lugtoun Johnne  
 Sinclair Johnne Maknacht Archibald tod Edward edger Maister Alexander guthrie  
 Gabriell cwninghame Robert tailyeor Williame mecklejohnne and Maister Robert  
 cwnighame or any fyfteine of thame thair being thrie of everie estate with thrie  
 of his Majesties officers of estate Of Which number of fyfteine The lords chancellor  
 Thesaurer and privie seale Archbishops of Sanctandris or Glasgow Earle Marschall  
 and Earle of wintoun or any of thame sall be one To meitt and conveine at Holyrudhous  
 or Edinburgh at such tymes and places as they sall think fitt And thair to prosecute  
 and fallow furth the valuatione of quhatsumever teinds parsonage or viccarage within  
 the kingdome Which ar as yett wnvalued And also to receave the reports frome the sub-  
 commissioners appointit within ilk presbitrie of the valuationes of quhatsumever teinds  
 led and deducit befor thame According to the tenour of the subcommissions direct  
 to that effect And to allow or disallow the same According as the same sall be fund  
 agriable or disagriable frome the tenour of thair subcommissions And also with  
 power to rectifie quhatsumever valuationes led or to be led to the enorme prejudice  
 of the titulars and to the hurt and detriment of the kirk And prejudice of  
 the ministers maintenance and provisiones or of his Majesties annwitie And for  
 the better expeding and advancing of the saids valuationes with power to appoint  
 committies or subcommitties of thair awin number To receave the reports of the saids  
 valuationes maid or to be maid And to receave admitt and examine witnesses And to  
 tak pairties oathes with thair depositiones quhair the same is referrit to oath And  
 to give such farther power to the saids committies or subcommitties of thair awin  
 number As they sall think fitt for the good of the worke and speidie finischng of the  
 same And siclyk with power to thame if neid be To appoint subcommissioners not  
 being of thair awin number within any parochin or presbitrie of the cuntrie for leading  
 and deducing of the saids valuationes And to receave the reports thair of allow or



the few maills few fermes and other constant rent of the saids superiorities ay and while they be payit of the pryce thair of contentit in his Majesties generall determinatione And according to the provisiones specifiet thairin Thairfor his Majestie and estates give full power to the saids commissioners or any fyfteine of thame as said is To call and conveyne befor thame the lords of erection and vthers having right to the saids few maills and few fermes and other constant rent of the superiorities of kirklands at such particular dyetts as they sall appoint And to wrge the saids lords of erection and others forsaid to giue vp thair rentalls of thair saids few maills few fermes and vther constant rent forsaid of thair saids superiorities conforme to his Majesties decreit and determinatione givin out thairanent And with certificatioun as is thairin conteinit And to liquidat the other constant rent of the saids superiorities not consisting in victuall or silver To the effect eftir the full tryall of the said rental and liquidatione thair of The saids lords of erectione may receaue the pryce of a thousand markes for each chalder of few fermes And for each hundreth markes of the other constant rent being redacted in money in whole or in pairt proportionallie frome his Majesties thesaurers principall or deputte And in case of the absence and refusall of the saids titulars and lords of erection That the same may be consigned in the hands of the clerk to the saids commissioners To remaine consigned for thair behoue eftir the which consignatione it sall be lawfull to his Majesties thesaurers principall or deputte To vplift receaue and intromett with the saids few maills few fermes and other constant rent forsaid of all yeares and termes eftir the said consignatione According to the tenour of the said generall determinatione And also with power to the saids commissioners as said is To discusse and determine all questiones that may aryse betuix the saids lords of erection and the heritors of the ground pensioners lyfrenters and others pretending right to the saids few maills and few fermes And to divide the pryce amongst thame According to the qualitie of thair richts And all other questiones anent the few maills few fermes and other constant rent forsaid Which by his Majesties generall determinatione is referrit to the determinatione of the commissioners to be appointit To that effect And quhairas it may fall out that some of the commissioners now appointit by his Majestie and estates may be wnable to attend the service through death seiknes or some other notour and knowne impediments Thairfor his Majestie reserves to himselfe the nomination of such other persones in thair places as his Majestie sall think fitt Whome his Majestie by his letters sall recommend to the saids commissioners To the intent they may receaue and admitt thame vpon the said commissione and tak thair oathes for faithfull discharge of the same And his Majestie and estates ordaine this present commissione to indure wnto the last day of december in the yeir of god 1635 yeares And farther induring his Majesties pleasure And ay and while the same be expreslie dischairgit by his Majesties warrand or letter to that effect And his Majestie with consent of the estates forsaid finds declares and ordaines the actes decreits and ordinances of the commissioners forsaid and of the other persones quha sall be surrogate in thair places by his Majestie in maner forsaid in the whole particulars abovespecifiet and everie one of thame To haue the strenth force and authoritie of a decreit sentence and act of parliament And ordaines the lords of sessione to grant and direct letters of horning poinding and others thairvpon vpon a simple charge of ten dayes or otherwayes as sall be fund necessarie Attour for cleiring of all doubtes and difficulties Which may aryse Anent the rectifieing of valuationes or other particulars heads following His Majestie and estates haue declarit and declare That quhair valuationes ar lawfullie led against all pairties having interest and allowed by the former commissioners According to the order observit by thame that the same sall not be drawin in questione nor rectified vpon pretence of enorme lesione at the instance of the minister not being titular or at the instance of his Majesties advocate for and in respect of his Majesties annwitie except it be proved that collusion was vsed betuix the titular and heretor or betuix the procurator fiscall and the titulars and heretors Which collusion is declarit to be quhair the valuatione is led with diminutione of the thrice of the iust rent presentlie payit And which diminutione sall be proved by the pairties oathes And siclyk it is declarit that the provisiones conteinit in the forsaid submissione maid by the Bischops Whair of mentione is maid in the forsaid act of tithes and which is repeated in this commissione sall be restricted to that Whair of Archbischops Bischops

parsones viccarrs or other beneficed persones being ministers colledges hospitalls and other dotationes to pious vses wer in actuall and reall possessione the tyme of the said submissione Which sall remaine with thame in quantitie and qualitie According to the tenour of the said provisione And if any questione sall aryse betuix the saids Arch-bischops Bischops parsones viccarrs and other beneficed persones forsaid Anent the leading of teinds That the same sall be referred to his sacred Majestie and to his royall pleasure to be signified thairanent And also anent laick patronages perteining to any of his Majesties subjects befor the yeir of god 1561 years His Majestie and estates declare That the same falls within the compasse of the generall submission maid to his Majestie And his Majesties determinatione givin thairvpon And that allanerlie in soe far as concernes a competent maintenance to be locallie payit furth of each kirk to the minister and his successors And anent the teinds of other mens lands And anent the annwitie to be payit to his Majestie furth of the teinds of the said kirk And as to the remanent teinds the same to perteine to laick patrones in pryce or rate thair of in all caices quhair the forsaid laick patrones wer in possessione of the teinds thair of by the space of seven yeares within the fyftein years immediatlie preceeding the dait of the said generall submission With this declaration That quhair the titulars or ministers provydit to the saids laick patronages and kirks thair of wer in possessione of the benefices forsaid and frutes and rents thair of ather by leading of the teinds or by vplifting and intrometting [with] the whole rents thair of by the space of seven years of fyfteine years immediatlie preceeding the said submission in thes caices the difference betuix the said laick patrones and the titulars and ministers sall be referred to his sacred Majestie and to his royall declaratione to be givin thairanent And ordaines all former commissiones anent the premisses to cease in tyme cuming and this onlie to stand in force in tyme to come

## ACTA PARLIAMENTORUM REGIS CAROLI SECUNDI.

PARLIAMENT AT EDINBURGH, 1ST JANUARY 1661.

### CAP. 6.

[1661, *cap.* 2.]

ACT anent the Kingis Majesties prerogative in choiseing and appointing of the Officers of State, Lords of Privy Council and Session

THE Estates of Parliament Considering the great obligationes that doe ly vpon them from the law of God the lawes of Nations the municipall lawes of the land and their oaths of alledgeance to mantaine and defend the Soverane power and authority of the Kings Maiestie and the sad consequences that doe accompany any incroachments thervpon or diminutions thair of Doe therfor from their sense of humble duetie Declare That it is an inherent Priveledge of the Croun and ane vndoubted parte of the Royall prerogative of the Kings of this Kingdome to have the sole choise and appointment of the Officers of Estate and privy Councillors and the nomination of the Lords of the Session as in former times preceeding the year 1637 And that the Kings sacred Maiestie and his aires and successors are for ever be vertew of that Royall power which they hold from God Almichtie over this Kingdome To enjoy and have the full exercise of that right . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

### CAP. 7.

[1661, *cap.* 3.]

ACT anent his Maiesties Prerogative in calling and dissolveing of Parliamentis and makeing of Lawis

THE Estates of Parliament now Convened by his Maiesties speciall Authority Considering that the quyetnes stability and happines of the people doe depend vpon the safety of the Kings Maiesties sacred person and the maintenance of his Soverane Authority Princely power and prerogative Royall And conceaveing themselfs obleidged in conscience in discharge of their duties to Almighty God to the Kings Maiestie and to their Native Cuntrie to make a due acknowledgement therof at this time Doe therfor unanimouslie Declare That they will with their lives and fortunes mantaine and defend the same And they doe heirby acknowledge That the power of calling holding proroguing and dissolveing of Parliaments and all Conventions and meittings of the Estates Doth sollie reside in the Kings Maiestie his aires and successours And that as no Parliament can be lawfully kept without the speciall warrand and presence of the Kings Maiestie or his Commissioner So no acts sentences or statutes to be past in any Parliament can be binding vpon the people or have the authority and force of lawes without the speciall authority and approbation of the Kings Maiestie or his Commissioner interponed therto at the makeing therof . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 12.

[1661, *cap.* 4.]ACT anent his Majesties prerogative in making of Leagues  
and the Convention of the Subjects

THE Estates of Parliament Considering That the maintenance of his Majesties authority and Royall Prerogative in and concerning the makeing of Leagues and the convention of the Subjects is not only a necessary duety of the people but of singular advantage to their happines and peace And that their predicesours wiselie foreseeing the good and benefite therof and the preiudices and miseries that inevitably did accompanie the neglect of the same did therfor by many severall acts and lawes assert the Kings Prerogative and Authority therein And particularlie by the hundreth and threttie one act of the eight Parliament of King James the sext It is statute and ordained that none of his highnes subjects of whatsoever quality state or function presume to convocat convene or assemble themselves for holding of Councils Conventions or Assemblies to treat consult and determine in any matter of state civill or ecclesiastick (except in the ordinary iudgements) without his Majesties speciall command or expresse licence had and obtained therto vnder the paines made against such as vnlawfullie convocats the Kings leidges And by the tuelff act of the tenth Parliament holden the tent of December 1585 It is by his Maiestie with advice of his three estates statute and ordained that no leagues nor bands be made among his subjects of any degree vpon whatsoever colour or pretence without his Maiestie or his successours privacie and consent had and obtained thervnto vnder the paine to be holden and execute as movers of sedition to the breach of the peace And now finding that the due observeance of these lawes might have contribute much to the preventing of these confusions and troubles which in these later times have almost ruined both the Kings Maiestie and all his Loyall Subjects Thairfor his Maiestie with advice and consent of his estates of Parliament Doth Revive Renew Ratife and Approve these acts above mentioned And ordane the fame to be punctually obeyed in all time comeing Conforme to the tenor therof and under the paines therein contained . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 13.

[1661, *cap.* 5.]ACT anent his Majesties Prerogative in the Militia and in making of Peace  
and War or treaties and leagues with forraine Princes or Estates

THE Estates of Parliament Considering the great happines that this Kingdome hath for many ages enioyed vnder the Princely Government of their Royall Kings who by the speciall blessing of Almighty God have reigned over them in so long and vnparalleled series of Royall descents and the obligation thereby lying vpon them in conscience honour and gratitude to oune and assert the Royall Prerogatives of the imperiall Croun of this Kingdome which the Kings Maiestie holds from God Almighty alone And to vindicate the same from these invasions which by the malice or specious pretexts of ill affected persones and the confusions and disorders of the late times have been made vpon it Doe therfore Declare That the power of armes and makeing of peace and war or treaties and Leagues with forraine Princes or Estates Doth properlie reside in the Kings Maiestie his heirs and Successours And that it wes and is their vndoubted right and theirs alone to have the power of raiseing in armes the subjects of this Kingdome and of the commanding ordering and disbanding or otherwise disposing thairof and of all strenthes forts or Garrisons within the same as they sall think fit The subjects always being frie of the provisions and maintenance

of these forts and armies Wnles the same be concludit in Parliament or Convention of estates . . . .

[*In part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

---

CAP. 47.

[*Not in 12mo edition.*]

ACT allowing Messengers of Armes to execute Summons of Treason

THE Estates of Parliament In regaird of the trouble and expence that the Subiects will be put to be employing of Heraulds or Pursevants for executeing of all summons and letters of Treason for the appearance of any befor this Parliament Doe Declare that it shall be lawfull and frie to Messengers of Armes to execute all such summons and letters of treason in any place beyond tuentie myles from Edinburgh Any act statute or Practise to the contrarie notwithstanding

---

CAP. 67.

[1661, cap. 61.]

COMMISSION for Plantation of Kirks and valuation of Teinds

OUR Sovereign Lord Considering the great care his Royall father and grandfather of ever blessed memorie had at all tymes of the reformed Religion within this Kingdome and of the maintenance and provision of the ministerie and Churches thairof Concerning which and for the publick good of the Nation his Maiesties Royall father did emit a declaration immediatly after his succession to the Croun and concerning diverse other particulars relateing to teinds and superiorities of kirk lands In order whervnto diverse acts and ordinances of Parliament and of Commissions wer from time to tyme made dureing the reigne of his ever glorious father And yet by the vnhappy troubles of the tyme his Royall purpose hath not got a finall accomplishment So that diverse Churches are as yet vnprovdyd with sufficient maintenance many teinds vnvalued and diverse other particulars are as yet vnperfected And his Maiestie being desireous to prosecute this good work for the vniversall good of the people and namely for the encouragement of the Ministers of the Gospell His Maiestie with advice and consent of the Estates of Parliament Doth Ratifie and Approve the nynteinth act of the Parliament holden at Edinburgh by his Royall father in anno 1633 entituled Commission for valuation of Teinds etc in the whole heids clauses and contents thairof except in so far as ther hath been any derogation made thereto by acts and Commissions made and granted be his Maiestie since the date of the said act or granted by pretendit Parliaments since and which are ratified or salved or to be reserved by this present Parliament And his Maiestie with advice and consent forsaid Doth give full Power and Commission to the persons after-mentioned Videlicet Johne Earle of Midletoun his Maiesties Commissioner William Earle of Glencairne Lord heigh Chancellor Johne Earle of Crafford and Lindesay Lord Thesaurer Johne Earle of Rothes President of his Maiesties Privy Councill William Duke of Hammiltoun James Marques of Montrose Johne Earle of Lawderdale his Maiesties Secretary William Earle of Marishall Johne Earle of Atholl George Earle of Linlithgow James Earle of Home James Earle of Tullibarden William Earle of Roxburgh Johne Earle of Hadingtoun James Earle of Annandale William Earle of Dumfreis Johne Earle of Tueddale James Earle of Calander Johne Earle of Dundie David Viscount of Stormount Johne Lord Sinclair David Lord Cardros Johne Lord Belheaven Lord Halkertoun William Lord Cochrane William Lord Bellenden Sir Johne Gilmour of Craigmiller President of the Session Sir Archibald Primerose

of Chester Knight and Barronet Clerk of his Maiesties Councill Register and Rolls Sir Johne Fletcher his Maiesties Advocat Sir Robert Murray Justice Clerk Sir James Lockart of Lie Sir George McKenzie of Tarbet Sir James Foulis of Colingtoun Sir Archibald Stirline of Carden Sir James Dalrymple of Stair Sir Johne Skougall of Whitekirk Senators of the Colledge of Justice Alexander Bruce of Kincardin Sir Johne Wrwhart of Crommertie Sir Robert Fletcher of Salton Sir Alexander Gibson of Durie Sir Robert Innes of that ilk James Crichton of St Leonards Sir George Kinnaird of Rossee Sir Gilbert Ramesay of Balmain Johne Murray of Polmaise William Scot of Ardross Sir James Dundas of Arnestoun Sir Johne Foulis of Ravelstoun Ritchard Murray of Bruchtown Sir Robert Hepburne of Keith Mr Robert Prestoun of that ilk Sir Andrew Ramesay Sir Robert Murray Sir Archibald Sydserrf Sir William Thomson and Johne Milne burgesses of Edinburgh Sir Alexander Wedderburne and Alexander Wedderburne burgesses of Dundie Mr Johne Paterson of Pearth Johne Bell of Glasgow William Coningham of Air Andrew Glen of Linlithgow Duncan Nairne of Stirline Alexander Bruce of Culrose Andrew Carstairs of St Andrewes and William Seatoun of Hadingtoun Burgesses Or any threitein of them ther being alwayes present three noblemen three gentlemen and three burgesses with his Maiesties Commissioner the Lord Chancellour Lord Thesaurer Lord President of the Councill Lord Privy seall the Lord Secretary or any one of them With power to them or Quorum forsaide To meet and convene at Edinburgh or such other place or places at such tymes and dyets as they shall appoint To value and cause value whatsoever teinds great or small personage or viccarage of whatsoever lands and others within this Kingdome lyable to the payment of teinds of whatsoever nature or qualitie the same be of which are yet unvalued Provyding the Ministers serveing the Cure who doe lead teinds be secured of good and thankfull payment of so much victuall or money anserable to the worth of the said teinds as the teinds shall be valued to And also with power to them to receive reports from Subcommissioners and to appoint subcommissioners Conforme to the former acts and Commissions To appoint constant and locall stipends and grant augmentations To disioyn too large and spacious kirks build and erect new kirks dismember annex and vnite Kirks And to take order that everie heritor and lyverenter shall have the leiding and buying of their owne teinds if they be willing according to the rates prescryved by former Commissions namelie by the forsaide Commission granted by his Maiestie with consent of the Estates of Parliament in anno 1633 And with Power to the saids Commissioners or Quorum forsaide To give recompence to parties for the augmentation of stipends to be imposed by this Commission in the same way as was done by former Commissions namelie by the Commission in anno 1617 With power to them to determine all Questions concerning the prices of teinds betuix Titulars and others haveing right to the teinds and the heritors And to appoint such securities in favours of the Titulars and others haveing right by the heritors payers of the valued dueties or buyers of the saids teinds and in favours of the Ministers as to their maintenance As the saids Commissioners shall think fitting according to the rules set down in the saids former acts namelie in the said act in anno 1633 And siclyk with power to them to appoint and provide for such other pious uses in each parochie As the estate thair of may bear Declaireing that whair the viccarage of any Parochie is a severall benefice and tytle from the personage the same shall be severally valued to the effect the Titulars or Ministers serveing the Cure haveing right to the said viccarage be not frustrat of the true worth therof It is alwayes declared That Ministers serveing the Cure who now lead their teinds And that Colledges Schoolls and hospitalls be not constrained to sell set nor dispoine their teinds in preiudice of their successours notwithstanding of the valuation therof And that Titulars and others haveing right to teinds shall not be forced to dispoine any teinds valued or to be valued which they shall be content and willing to assigne and dispoine to the Ministers serveing the Cure of the parochie As a parte of his provision And his Maiestie with consent forsaide Declares That whair valuations are lawfully led against all parties haveing interest and allowed by former Commissions according to the order observed by them That the same shall not be draun in question nor rectified vpon the pretence of enorm lesion at the instance of the Minister not being Titular or at the instance of his Maiesties Advocat for and inrespect of his Maiesties annuitie except it be proved that

collusion was vsed betuixt the Titulars and heritor or betuixt the procutor fiscall and heritors and Titular which collusion is declared to be wher the valuations are led with the diminution of a thrid of the iust rent and which diminution shall be proved by the parties oaths And albeit that all the acts of the pretendit Parliaments in the years 1640 and 1641 and since are declared by ane act of this present Parliament null and of no avall in tyme comeing Yet it is heirby declared That all and whatsoever valuations acts sentences and decreits done concluded and decerned by vertew of any Commissions granted by the saids pretendit Parliaments with all execution vsed or to be vsed thervpon are and shall stand valeid in all time comeing Notwithstanding of the forsaid act recissorie And this for the good and ease of the people and for encouragement of the Ministers of the Gospell whervnto his Maiestie hath alwayes ane tender respect And although by a speciall act of this present Parliament The pretendit Parliament holden in anno 1649 and in the begining of the year 1650 Is from the begining declared voyd and null and all that followed thereon Yet nevertheless his Maiestie doth with advice forsaid Authorize all valuations acts decreits and sentences led deduced and pronounced by the Commissions ane or mae appointed by the said pretendit Parliament for plantation of kirks and valuation of teinds and all execution competent thervpon Excepting such decreits and sentences given in favours of Ministers for their stipends or for divydeing vniteing annexing or building of kirks which shall be fund to have been iniustly or exorbitantly decerned The determination whairof is heirby referred by his Maiestie with consent forsaid to the saids Commissioners that they after heareing of parties and consideration of particulars may take such course for altering annulling or allowing of the saids acts decreits and sentences as they shall think fitting Conforme to the lawes practick and custome observed preceeding the year 1649 And ordaines processe vpon supplications to be summarlie granted parties alwayes being ceited And that without any reduction And it shall be lawfull to the saids Commissioners or Quorum forsaid To proceid in all summons and actions to be intendit for that effect within the space of tuo yeers after the first dounsitteing of the Commission As also with power to the saids Commissioners vpon the dependance of the saids Complaints and processes To discharge execution vpon the forsaids decreits in whole or in parte As they shall find iust ay and whill the mater be determined by them As also in respect that by diverse decreits pronounced by the saids Commissioners appointed by the said Commission in anno 1649 the burden of ane augmentation was put vpon diverse takemen of teinds and yet no recompence was made to them by prorogateing of the saids Tacks inregaird also that diverse registers of Commissions preceeding the year 1649 are lost Wherby prorogations wer granted in favours of takemen and the extracts also perished the time of the troubles Therfor his Maiestie with consent forsaid Gives power to the saids Commissioners or Quorum forsaid appointed by this Commission to grant recompence and prorogation to the saids Takemen in the same maner as was prescryved by the former Commissions Namely by the Commission in anno 1617 the Titulars alwayes being ceited therto And wheras it may fall out that some of the saids Commissioners now appointed may be vnable to attend the service through death seiknes or some other notour knoun impediment Therfor his Maiestie declareth that he shall be carefull to fill their places with other persones qualified whose oaths for faithfull discharge of the same shall be taken by the Lord Chancellor or in his absence by the president of the said Commission for the tyme And ordaines this present Commission to endure ay and whill the same be discharged by his Maiestie And ordains the acts decreits and ordinances thairof to have the force strenth and effect of a decret sentence and Act of Parliament And the Lords of the Session to grant and direct lettres of horneing poinding and others requisite in maner contained in the saids former Commissions And considering that it was the will and pleasure of his Maiesties Royall father that all heritors who should be willing to buy Should have their own teinds at reasonable rates Therfor his Maiestie with advice forsaid Statutes and ordaines that all heritors whose teinds are not valued shall have libertie to value and buy the same at such rates as are contained in the act of Parliament 1633 yeers With power to augment the saids Rates according to the burden of augmentations and others sustained by the Titulars since the said act of Parliament 1633 yeers And the saids heritors to have the libertie of buying as said is within the space of three yeers after the valuation With power to the saids

Commissioners to determine therein according to justice With this declaration alwayes That in case the impediment during the space forsaide flow from the Titular by reason of his minority or other inability In that case the heritor who offered himself ready to buy his own teind within the space forsaide shall have place so soon as the impediment is removed to buy his teinds Notwithstanding the expyryng of the yeeres and space aboveexpressed And it is declared that if the heritor be minor and his tutors neglect the buying of his teinds within the forsaide space the minor shall have action for two yeeres after his minority to compell the Titular for selling of the saide teinds

## CAP. 88.

[1661, *cap.* 24.]

ACT concerning appearand aires their payment of their own and  
their predecessours debts

OUR Sovereign Lord with advice and consent of the Estates of Parliament Taking into consideration that appearand aires immediatly after their predecessours death doe frequentlie dispose thair estates in whole or in parte in prejudice of their predecessours lawfull Creditors befor their death come to their knowledge or befor they can doe lawfull diligence against the saide appearand aires and which dispositions the saide appearand aires doe often make befor they be served aires and infett Or otherwayes by collusion they suffer thair predecessours estates to be comprised or adiudged from them for payment of their owne proper debts reall or simulat without respect to their predecessours Creditors And his Maiestie considering how iust it is that every mans own estate should be first lyable to his own debt befor the debts contracted by the appearand aires Thairfor his Maiestie with consent forsaide Declaires that the Creditors of the defunct shall be preferred to the Creditors of the appearand air in tyme coming as to the defuncts estate Provyding alwayes that the defuncts Creditors doe diligence against the appearand air and the reall estate belonging to the defunct within the space of three yeeres after the defuncts death And because it wer most vnreasonable that the appearand air when he served and retoured air and infett respective should for the full space of three yeeres be bund vp from making rights and alienations of his predecessours estate And yet it being as vnreasonable that he should dispose thairvpon immediatly or shortly after his predecessours death in prejudice of his predecessours Creditors he having year and day to advise whither he will enter air or not Thairfor it is heirby declared That no right or disposition made be the said appearand air in so far as may prejudice his predecessours Creditors Shall be valedid Wnles it be made granted a full yeer after the defuncts death

## CAP. 211.

[*Not in 12mo Edition.*]

ACT anent the precedencie of the President of the Session the Lord Register  
the Lord Advocat and Thesaurer Deput

THE Kings Maiestie and Estates of Parliament Haveing at lenth heard and considered the Report vnderwritten presented to them from the Lords of the Articles Wherof the tenor followes The Lord Commissioner and Lords of the Articles Haveing heard the President of the Session The Lord Register The Lord Advocat and Thesaurer deput concerning the precedencie due to them in their severall Offices Doe offer to the Parliament That they find the President of the Session for the tyme being hes had vndoubted possession of Precedencie befor the other three And that the Clerk of Register and Advocat wer officers of State and Privy Councillours long befor the

Thesaurer Deput And particularly in King James the thrids tyme in the year 1482 The Clerk of Register is enrolled as ane officer of State in the Rolls and Records of Parliament And in the year 1612 Wher the first mention is of a Thesaurer Deput as ane officer of State The Clerk of Register and Advocat are ranked befor him And siclyk in the Parliament 1617 wher King James the sext of blessed memorie be a speciall act established the number of the Officers of State Ther also the Clerk of Register and Advocate Are ranked befor the Thesaurer Deput And in the Parliament 1633 At which tyme the Thesaurer Deput for the tyme was a Lord and Barron of Parliament Yet in the ranking of the Officers of State both as to the Parliament and Articles The Clerk of Register is ranked befor the Thesaurer Deput And that in the Commissions of Privy Councill both befor and since that time The Clerk of Register is alwayes befor the Thesaurer deput And also they find that be ane act of Secret Councill in the year 1623 Vpon a letter from the Kings Maiestie And vpon consideration of former acts and ordinances Ther is a positive rule set down for ranking the Officers of State in all tyme comeing And therin the Clerk Register and Advocat are ranked and ordained to have place befor the Thesaurer deput And that conforme therto they have brooked their precedencies Inregaird of all which it is thair opinion That it be of new declared be his Maiestie with advice of his Estates of Parliament That the persons and Officers of State above mentioned Hes in reason had and shall in all tyme comeing Have their Precedencie in maner following To wit The President of the Session the first place The Clerk of Register the second place The Advocat the thrid place and the Thesaurer Deput the last *Sic subscribitur* CRAFTFORD & LINDESAY I P D Par. And haveing considered the severall acts Commissions and orders mentioned in the said Report They Doe Approve of the Report above-written And accordingly finds and Declares That the persons and Officers of State abovementioned Hes in reasone had And shall in all tyme comeing Have their Precedencies in maner following To wit The President of the Session the first place The Clerk of Register the Second place The Advocat the thrid place and the Thesaurer Deput the last Lykas his Maiestie with advice of his Estates Doe heirby Decerne and Ordaine the persons and officers of State aforesaid and their Successours in these Offices To conforme themselffs in their Precedencies To this present Act As they will be ansuerable

## CAP. 215.

[1661, cap. 20.]

## ACT against curseing and beating of Parents

OUR Soverane Lord and Estates of Parliament Considering how great and atrocious a cryme it is for childeren to beat or curse their Parents and how the law of God hath pronounced iust sentence of death against such as shall either of these wayes injure either of their parents Thairfor his Maiestie with advice of his saids estates Doth heirby Statute & Ordaine That whosoever sonne or daughter above the age of Sextein yeers not being distracted Shall beate or curse either their father or mother Shall be put to death without mercy and such as are within the age of Sixtein yeers and past the age of pupillarity to be punished at the arbitriement of the Judge according to their deserveings that others may hear and fear and not doe the lyk

## CAP. 218.

[1661, cap. 29.]

ACT anent execution of poiding to follow vpon Shirreffs Commissers  
and other inferior Judges decreits

OUR Soverane Lord and the Estates of Parliament Considering that albeit by act of Parliament of the date the nynt day of July one thousand sex hundreth and sex

yeers, letters of horning are ordained to be directed by deliverance of the Lords of Session vpon Shirreffs Commissers and other inferior judicatories their decreits vpon the simple charge therinmentioned Yet the act beares no warrand for letters of pointing to be granted by the delyverance forsaide vpon these decreits Wherby the parties interessed obtainers of the decreits are oftymes prejudged of their payment when these parties against whom these decreits are obtained doe flit or remove out of the Shire or jurisdiction of the Judge befor whom the saide decreits are given Therfor his Maiestie with advice of the saide Estates Ratifies the act of Parliament abovementioned in the whole heids and points thairof And for remedie of the prejudice forsaide Ordaines letters of pointing to be direct by delyverance of the Lords of Session at the instance of the parties interessed vpon the said Shirreffs Commissers and other inferior Judges their decreits contained in the said act Siclyk and in the same maner as letters of horning are appointed by the said act to passe vpon the said decreits That therby the parties may have reall execution alsweil as personall vpon their decreits forsaids . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 239.

[1661, *cap.* 26.]

ACT appointing the pursuer of the thief to have the goods stollen from him restored

OUR Soverane Lord vnderstanding that when thieves are taken and execute for theft or declaired fugitives their whole estate and the goods stollen also doth fall to his Maiestie and to the Lords of Regalities and others Justiciars pretending right to the saide goods stollen For remeid whairfof his Maiestie with advice and consent of the Estates of Parliament Statuts and Ordaines That any persone haveing goods or geir stollen from him and haveing persewed the Stealler thairfof Shall have his oune goods agane wherever the same can be apprehended And wher the stollen goods cannot be had the persuer of the thief shall have the iust value of the goods and geir stollen from him out of the readiest of the theiffs goods with the expences waired out by the persuer he alwayes persewing the theiff vsque ad sententiam Reserveing alwayes to the Shirreff or other Magistrats and taker of the theiff the Expences waired out by them in the takinge and putting of the theiff to execution

---

CAP. 243.

[1661, *cap.* 31.]

ACT concerning the Registration of Compriseings

OUR Soverane Lord with consent of the Estates of Parliament Considering that the Registration of appriseings wes only established by ane act of Secreit Council and never authorized by any law or act of Parliament and that the Registration thairfof did put the leidges to vnneccessar charges Neither adding to the validitie of the Appriseing nor to the benefite of the comprisers Hath therfor discharged and by these presents discharges all registration of compriseings with all gifts acts of Council and other warrands and custome whatsomever granted and observed at any tyme heirtofore theranent And by thir presents Ratifies and Approves the custome observed these many yeers past wherby in place of the said registration a short record of all compriseings of lands teinds and others and of the comprisers names and designations the defenders names the debts for which the compriseing is deduced the Messingers and Clerks names the date of the executions the witnesses names thairto and of the Superiors of whom the comprized lands are holden hath been made in a book by the

Clerk of Register and his Deputs at the allowing of the saids appriseings (for which allowance and recording their is only forty shillings scots to be payd) and which custome is verie vsuall and necessar for information of the leidges And therfore his Maiestie with advice and consent forsaid Ratifies and Approves the forsaid custome And ordaines all compriseings formerlie deduced and not allowed and recorded in maner above written to be brought in to the Clerk of Register and his deputs within three score dayes after publication heirof And all compriseings to be led and deduced heirafter to be brought in to the said Clerk of Register and his deputs within three-score dayes after the date theirow With certification that if they be not allowed and recorded within the said space Any other compriseing the posterior in date yet if it be allowed and recorded befor the prior Compriseing The fame shall have preference according to the date of the allowance and Record But preiudice always to any further diligence by infetment or Charges against the superior According to the priority or posteriority theirow prout de jure

## CAP. 244.

[1661, cap. 32.]

## ACT concerning heretable and moveable Bands

OUR Soverane Lord with advice and consent of his Estates of Parliament for many iust and reasonable causes moveing him Statuts and Ordaines That all contracts and obligations for soums of money payable to parties at any tyme made and dated since the sexteenth day of November 1641 or to be made in tyme comeing Containing clauses for payment of annuellrent and proffit Are and shall be holden and interpret to be moveable bands Except in these caces following videlicet That they beare ane expresse obleidgement to infett Or that they be conceaved in favours of airs and assignayes secludeing executors In either of which caices Ordaines the sums to be heretable and to pertaine to the air Otherwayes to be confirmed be the executor and to apperteane to the nearest of kin and to the defuncts executors and legators according to the law and practick of moveables Declareing alwayes that all such bonds quoad fiscum shall remaine in the same condition as they wer before the said sexteenth of November 1641 nor to fall vnder the compasse of single escheat nor shall any parte thairof perteane to the relict jure relictæ wher the bonds are made to the husband not to the husband jure mariti wher the bonds are made to the wiffe wnlasse the relict or husband have otherwise right and interest therto Declareing nevertheles that this provision shall nowayes preiudge wiffe nor husband and their executors of their respective titles and interests to the bygone annuellrents of the saids bands resting befor either of their deaths

## CAP. 246.

[1661, cap. 34.]

## ACT against clandestine and vnlawfull Marriages

OUR Soverane Lord and the Estates of this present Parliament . . . Statuts and ordaines that whatsoever persone or persones shall heirafter marie or procure themselves to be married in a clandestine and inoderly way or by Jesuits Priests or any others not authorized by this Kirk That they shall be imprisoned for three moneths and beside their said imprissonment shall pay each Nobleman one thousand pund scots each barron and landed gentleman one thousand merks each Gentleman and Burges fyve hundreth punds each other persone one hundreth merks And that they shall remaine in prisson ay and whill they make payment of these respective penalties abovementioned which are heirby ordained to be applied to pious vses within the

severall paroches wher the saids persones duells And that the Celebrator of such marriages be banished the Kingdome never to returne therin vnder the paine of death Lykas his Maiestie with advice forsaid Prohibits and discharges all men and women haveing both thair ordinar residence within this Kingdome to get mariage to themselves with others within the Kingdome of England or Ireland without proclamation of Banns heir in Scotland and against the order and constitution of this Church or Kingdome vnder the paines following videlicet for each Nobleman so married one thousand pounds for each landed Gentleman one thousand merks for each burgesse fyve hundreth pounds and for each other substantialious persone fyve hundreth merks for ane yeoman one hundreth pounds for each persone of inferior qualitie one hundreth merks The one halff of the which penalties shall belong to the Kings Maiestie the other to the parochie or paroches wher the married parties did reside And ordaines his Maiesties Advocat and the Procurator of the kirk to persue befor the Civile Judge the parties contraveeners of this act or either parte thereof for payment of the penalties respective abovementioned . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (*S.L.R.*.)]

---

CAP. 247.

[*Not in 12mo Edition.*]

ACT anent the redemption of the fee of Lands granted under reversion from  
the aires and assignayes of the fiars

OUR Soverane Lord Considering that infeftments of fie hes been in vse to be and are daylie granted be Parents and others to their eldest sonnes and other neir relations Reserveing their oun lyverents and vnder reversion and with power to them and thair assignayes to redeeme the lands and others contained in the saids infeftments from the saids persones to whom the fie is granted at any tyme dureing the life tyme of the granters for payment of a rose noble or some such lyk soume And sometymes through the informality and vnskilfulnes of Notters and others Writters of such writts and rights mention is not made in the said reversions of the aires and assignayes of the receavers of the saids rights And that they should be redeemable from them and their forsaid Thairfor his Maiestie with advice and consent of the Estates of Parliament for removeing and preveening all questions that hes been or may arise vpon the occasion forsaid Doe Declare Statute and Ordaine That in all caces wher any infeftment of fie hes been alreadye granted or shall be granted at any tyme heir-after beirand or affected with a reversion clause provision or condition of reversion and power to any persone and his Assignayes dureing his lifytyme to redeeme from the persones to whom the fie is granted It wes and shall be lawfull to the said persone and his Assignayes dureing the tyme forsaid to redeeme the lands and others contained in the saids fie infeftments Not only from the said fiar himself but from his aires and assignayes tho they be not exprest Wnleffe it be expreslie provydit that it shall be lawfull only to redeeme from the fiar himself and not from his aires And it is ordained that in all such caces the Lords of session and other Judges shall proceed and determine conforme to thir presents

---

CAP. 281.

[1661, *cap.* 18.]

ACT for the due observation of the Sabbath day

THE Kings Maiestie Considering how much it concernes the honour of God that the Sabbath day be dueliie observed and all abuses thairof restrained and that notwithstanding

standing of severall acts of Parliament made in that behalffe particularlie the thrid act of the sext Parliament of K : Ja : 6 : of blessed memorie the said day hath been much prophaned by salmond fishing goeing of Salt pans milnes and kills hireing of shearers and vseing of merchandice on that day and otherwise Thairfor our Soverane Lord with advice and consent of his Estates of Parliament Ratifies and Approves all former acts of Parliament made for observation of the sabboth day and against the breakers thairof And by these presents Inhibites and discharges all salmond fishing going of salt pans milnes or kills all hireing of shearers carieing of loads keeping of mercats or vseing any sorts of merchandice on the said day and all other prophanation thairof whatsoever vnder the paines and penalties following videlicet the summe of Tuentie pund scots for the goeing of ilk salt pan milne or kill on the said day to be payed by the heritors and possessours thairof and the summe of ten punds for ilk shearer & fisher of salmond on the said day The one halff thaif to be payed by the hyrers and conducers and the other halffe by the persones hyred and the said sume of ten punds for everie other prophanation of the said day And which fynes and penalties are to be vplifted and disposed of in maner contained in the act and instructions anent the justices of peace And if the partie offender be not able to pay the penalties forsaid then to be exemplarly punist in his bodie according to the merite of his fault

## CAP. 283.

[1661, *cap.* 51.]

## ACT anent Arreistments

OURE Soverane Lord Considering the great Charges that Creditors are put to by comprising of summs owing to their debtors be vertew of heretable bands contracts and other writs beareing payment of annuellrents which in respect of the obleidgement for annuellrent wer not in former times areistable Therfor the Kings Maiestie with advice and consent of his Estates of Parliament finds and declares that all summs of money which are adebted be bonds contracts and other personall obleidgements whervpon no infestments have followed are and shall be areistable at the instance of any Creditor Notwithstanding that the bonds contracts and other obleidgements beare payment of annuellrents And the Kings Maiestie with advice and consent forsaid Declares that this shall nowayes change the nature of the saids summs Nor preiudge the air nor any other persone their rights to the same as being heretable Which are heirby declared to remaine in their oune nature vnchangeable be this act prout de iure except that only the same are areistable And it is heirby expreslie provydit that all areistments and executions thairof since the 29 day of July 1644 yeers vsed conforme to the tenor of this act shall be als valeid and sufficient as if this present act had been of the said date But preiudice alwayes to the Creditors to comprise the said heretable sums if they shall choose rather to comprise then to areist

## CAP. 284.

[1661, *cap.* 41.]

## ACT for planting and inclosing of ground

OUR Soverane Lord . . . with consent and advice of his Estates of Parliament . . . Statuts and Ordaines that wher inclosours fall to be vpon the border of any persons inheritance the next adiacent heritor shall be at equall paines and charges in building ditching and planting that dyk which parteth their inheritance . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 331.

[1661, cap. 54.]

## ACT in favours of Laik Patrons of Provostries Prebendaries Chaplanries and Altarages

OUR Soverane Lord with advice and consent of his Estates of Parliament Ratifies and Approves the act of Parliament made by King James the sext his Maiesties Grandfather of eternall memorie Par. first chap. 12 Anent Provestries Prebendaries Alterages Chaplanries and Collegiat kirks pertaining to Laik Patrons Together with the act of Parliament 12 chap. 158 ratifieing the same And ordaines the saids acts to have full force and effect in all tyme comeing With this declaration alwayes That inrespect the vassalls which held lands of the saids Provests prebendars and others forsaid are put to great vncertantie of their superiors it not being knoun to them who are provyded to the saids Provestries Prebendaries Chaplanries Alterages and other forsaid by reason ther is no publict register to the which they may have recourse for knowledge and notice therof and that the most that they can know by any register is the infeftments and sasines made to these who are laik Patrons holding of his Maiestie Therfor for securing of the vassalls who hold lands milnes fishings tenements annuall-rents or others whatsoever of the saids Provostries Prebendaries Collegiat kirks or of Chaplanries Alterages and others of that nature at any tyme of before It is statute and ordained that the entrie of the saids vassalls by retour precept of clare constat resignation comprising or otherwise whatsoever shall pertaine to the laik Patrons and their successours who stand infeft in the saids laik patronages holding immediatly of his Maiestie and that the entrie of the vassalls by them shall be als valid and sufficient to the saids vassalls receavers therofas if they wer entered by the Titulars of the saids Provostries Prebendaries Alterages Chaplanries and others forsaid And that the said laik Patrons shall be in all timecomeing in their place as superior to the said vassalls and to have the same power to give infeftments to his Maiesties subiects vpon retour or by precept of clare constat or by resignation comprising or any maner of way With gifts de novo damus and that without consent of persones provyded or to be provyded to the saids Provestries and Prebendaries of Collegiat kirks alterages chaplanries or other Titulars of Collegiat kirks and also without consent of the chapter or convent of the saids prebendaries thair of or most parte of the same Which of befor wes in vse and custome Wheranent and anent all acts in the contrare his Maiestie with consent forsaid dispences for ever Reserveing alwayes to the Titulars of the saids Provostries Prebendaries Alterages Chaplanries and others forsaid the fruits rents and emoluments of the saids Provestries Prebendaries and others forsaid which are nowayes preiudged be this present act It is heirby further Stâtute and ordained with advice and consent forsaid Wher ther are any prebendaries chaplanries alterages or other foundations of that nature abovementioned founded and situated within any burgh royall of this Kingdome That the Provost Baillies and Councill of that burgh wher the same are founded are and shall be in all tymecomeing only vndoubted superiors by whom and by no others the vassalls and tennents shall enter in maner abovespecificit The saids Provost Baillies and Councill having been formerly Patrons of these Chaplanries

## CAP. 338.

[1661, cap. 38.]

## COMMISSION and Instructions to the Justices of Peace and Constables

OUR Soverane Lord takeing to his Royall consideration how much the appointing of Justices of peace and constables within all the Shires of this Kingdome vnder the reigne of his Maiesties royall prediccassours did contribute to the peace quyet and good government therof and to the speedie and impartiall execution of law and

Justice to all persons subiected to their Jurisdiction and power Thairfor and for the furtherance of these ends in the future His Maiestie with advice and consent of his Estates of Parliament Doth heirby Statute and ordaine That in all time comeing ther shall be Justices of his Maiesties peace appointed within each severall Shire of this Kingdome to be nominat from tyme to tyme by his Maiestie and his royall successors Whiche Justices of peace are heirby impowered to administrate Justice and put his Maiesties lawes in execution according to the particular instructions aftermentioned videlicet

THE Justices of peace in each respective Shire Sall meit and convene together four times in the yeer videlicet on the first tuisday of May the first tuisday of August the last tuisday of October and the first tuisday of March In which Sessions they shall administrate Justice to the people in things that are within their Jurisdiction and punish the guiltie for faults and crymes done and committed in the preceeding quarter And by mutuall and conjunct advice . . . . elect or continue constables or other officers and dispose of the fynes and mulcts for payment of the constables clerks and other officers fies . . . . and shall have power to continewe the said sessions or to adiurne the same to such dayes and places as shall be most convenient

ANY one Justice shall have power vpon complaint of any persone being threatned and feareing to be wronged To bind the partie complained vpon vnder such a pecuniall summe to keep the peace as he shall think fiting As also to commit him vntill surety be fund by him The said complainer alwayes giveing his oath befor the Justice that he hath iust cause to dread him harme And albeit no persone complaine Yet if the Justice be credibly informed of appearance of trouble betuixt any parties he shall bind them to the peace in maner forsaid except the parties declare vpon their consciences that neither of them bear any grudge to other and all such bonds shall be kept and recorded by him and he shall make deliverie of the same to the Clerk of the Peace at the next Sessions to be kept and registrat by him

IF any persone being charged to make his appearance befor a Justice of Peace Shall refuse or delay without cause . . . . The Justice of Peace Shall heirby have power to command the next constable or in absence of a constable his oune servant or any other person haveing a warrand in writ subscryved by the said Justice of Peace with assistance of the Cuntrie to bring any such partie befor him

THE saids Justices shall heirby have power to proceed vpon all persons committing ryots and breaking the Kings Peace . . . . and to punish and fyne according to the qualitie of the cryme and the Estate of the Offender And if any of the saids persons being charged to compeir befor the saids Justices shall disobay the summons being indorsed the lawfull citation verified and fact proven The Justice shall punish and fyne the not compeiring according to the qualitie of the cryme and estate of the offender And for the more cleir determination of the order which shall be kept by the saidis Commissioners in the deduceing of any such processe Our Soverane Lord with advice of his Estates Declareth That it shall be lawfull to the saids Justices whensoever they have any occasion to move any action against parties for committing any lyk fact or ryot to refer the first summons to the parties oath of verity failyeing of other lawfull probation who being personally summoned by the first citation [sall be holden as confest And decreit to be pronuncit against him conforme to the lybell and sumonds And if he be not personallie sumondit by the first citation] The saids Commissioners shall be holden to cause summon him of new agane by a Second sumons at his duelling place Which tuo citations shall be as sufficient to infer decreit and sentence vpon the lybell against him as if he wer apprehended personally And which sentence given after the maner and forme of probation abovewritten his Maiestie with advice forsaid Authorizes and Sustaines as good and lawfull in themselves . . . .

THEY . . . . shall have power to decerne and compell the master to mak payment of the fies . . . . incaise the servants please rather to pursue for the same befor them then any other Judge

ALL . . . . keepers of any Goales or Prissons Shall receave into their Prissons all such persons as either shall be brought by Constables or sent vnto them by warrands vnder the hands of any one Justice of Peace . . . .

THE saids Justices shall put in execution all acts of Parliament made against such persons as shall prophane the Lords day and require or levey the penalties therin contained Which penalties forsaide the saids Justices are to dispose of in lyk maner as aforesaid

AND at what time and whensoever one shall accuse another person or persons to be guilty of treason murder or other felonie blasphemie incest or any other hynous crymes In such caces the saides Justice or Justices shall forthwith cause such person or persons to be apprehended and after inquirie made in the cause The said Justice or Justices if they find cause shall commit the offender to prison or take sufficient baill if the case be the law be baillable and shall take the information of the partie accusing vpon oath . . . . and shall take the testimonie or deposition of the witnesses likewise vpon oath and bind them to give in evidence and shall also take the examination of the partie accused All which recognizances informations depositions and examinations The said Justice or Justices shall certifie to the next quarter session Assizes or Criminall Courts respectively To the end the Justice may proceed against them according to law

#### CONSTABLES

OUR Soverane Lord with advice of his Estates ffinds and Declares that the constables are to be made choise of by the Commissioners and Justices of Peace in their quarter Sessions throughout the whole cuntrie . . . .

AND who shall refuse to accept the charge and not to give his oath for duetifull execution thair of shall be imprisoned and fined at the discretion of the Justices of peace at their next Sitting

ALL constables in their respective paroches shall apprehend everie persone or persons that shall be guiltie and culpable of slaughter murther theft or any other culpable crime whatsoever and shall require his nighbours to assist for safe conveying of such person or persons to the next Justice of Peace who shall commit him or them, or take suretie according to the instructions given to the Justice of Peace in such lyk caces And if any person or persons shall refuse or delay to assist the constable or constables in executeing his or their offices such persons for refusing or delaying shall be imprisoned or otherwayes punished by the said Justices at their sessions

VPON the appearance of any fray or stir betuixt parties The constable shall require the assistance of his nighbours for sundring of the parties And if ther be any harme done to the constable or any of the assistants by them who made the fray they shall be punished by the Justices at the next Session

WHEN any person or persons have made a fray and then fie to ane house The Constable or Constables may follow to the house to open the doors Which if he or she should refuse he shall take notice of the master or keeper of the house and require witnesses thereon And albeit the delinquent shall fie further without the bounds of the constables charge yet may the constable follow and apprehend him in a fresh persute and crave concurrence of the Cuntrey for that effect

THE constables in everie parochie shall execute all such precepts and warrands as they shall from time to time receave from the Justices of the peace

. . . . And notwithstanding of this abovewritten act and all the particulars forsaid contained in the same Our Sovereane Lord with advice and consent of his saids Estates Statuts Decerns and Declares that the erection of the saids Commissioners and Justices of peace and grant of Jurisdiction and priveledges to them and the makeing or approbation of the particular acts abovewritten introduced in their favours or any thing thairincontained Shall not be in any sort derogatorie or preiudiciall to the rights priveledges and liberties granted and bestowed by his Maestie or his Hienes royall predecessors of before to any of his Maesties subiects of whatsoever estate or qualitie from the heighest to the lowest But declares that the saids rights priveledges and liberties shall remaine in their oune integrity safe intire vnhurt or vnpreiudged by the premisses or any thing exprest in the saids articles and everie one of them and are holden as especially reserved and excepted out of the same

IF any partie complain to a constable that he is threatened by another Then shall the constable apprehend the threatner and carie him with the partie complainer befor the next Justice of peace And if he refuse to go then shall he carie him to prisson

WHICH all and sindrie the premisses Our Sovereign Lord with advice and consent forsaid Ratifies and Approves in all points in maner as the same proports And gives vnto them the strenth and force of acts and ordinances of Parliament and ordaines execution to pass vpon the same as effeirs

[In part rep., 34-5 V. c. 48 and 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 344.

[1661, cap. 62.]

ACT for ordering the payment of Debts betuixt Creditor and Debtor

OUR Sovereane Lord Considering how necessarie and essentiall it is to the verie being and flourishing of Kingdomes and Nations That ther should be a nationall confidence among the people themselfs and with those of other Nations with whom they have correspondence and traffique abroad And that the most effectuall and proper way to beget cement and maintaine the same is That promises pactions obleidgements and debts be faithfullie performed and satisfied without which ther can be no trust and consequentie no societie intercourse and commerce at home and all trade and traffique with other Nations will certanlie decay and cease to the irreparable losse rwine and discredite of the Nation . . . . Thairfor his Maestie with advice and consent of the Estates of Parliament . . . . wheras the legall reversion of compriseings was formerlie limited for seven yeers . . . . is graciouslie pleased to extend the same to ten yeers in all tyme comeing . . . . And incaice the lands and others comprised exceid in yeerly rent and value the annuellrent of the sums contained in the saids compriseings and of the expence disbursed in obtaining infetments thervpon and the debtor shall desire the Creditor to possesse the lands and others comprised It shall be lawfull to the Lords of Session Lykas the saids Lords are heirby impowered and authorized vpon a supplication to be made to them by the debtor and citation of the comprisers To appoint the apprisers to possesse such of the saids lands and others dureing the legall reversion as the saids Lords of Session shall think iust and reasonable The saids debtors alwayes giving possession to those who have right to the saids compriseings and ratifeing their possession alreadie apprehended by them (if any such possession they have) of such of the lands and others as the saids Lords of the Session shall appoint not being beneath in yeerly rent and value of the annuellrents abovementioned Or otherwayes giving to the Creditors (whither they have possession or not) sufficient security at the sight of the saids Lords for payment of the saids annuellrents dureing the tyme forsaid The saids Lords of the Session haveing alwayes power to determine whither in the caces forsaid the debtor shall give surety to the

Creditor for his annuellrents Or the debtor not being able to give surety The creditor shall be obleidged to take possession of the debtors lands And if the Lords of Session shall appoint in the cace forsaid the Creditor to be possest for his annuellrent Then and in that cace the debtor shall be holden to deliver the evidents of the saids lands to the Creditor or transumps therof Provydeing alwayes that the Creditors right be vertew of the saids compriseings be nowayes preiudged after expiring of the same And that the whole lands and others both such as shall be possest by debtor and the remanent of the lands and others contained in the saids compriseings shall pertain to the Creditor irredeemably And because oftentimes Creditors inregaird they live at distance or vpon other occasions are preiudged and preveened by the more tymeous diligence of other creditors So that befor they can know the condition of the common debtor his estate is comprised and the posterior comprisers have only right to the legall reversion Which may and doth often prove ineffectuall to them Not being able to satisfie and redeem the prior compriseings (thair means and money being in the hands of the common debtor) Thairfor it is Statute and Ordained That all compriseings deduced since the first day of January one thousand sex hundreth fiftie two yeers befor the first effectuall comprising or after but within yeer and day of the same Shall come in *pari passu* together as if one comprising had been deduced and obtained for the whole respective summs contained in the forsaid compriseings And it is declared that such compriseings as are preferable to all others inrespect of the first reall right and infettment following therevpon or the first exact diligence for obtaineing the same Are and shall be holden the first effectual comprising though ther be others in date befor and anterior to the same And the forsaid benefite given and introduced heirby in favours of these whose compriseings are led within the tyme and in maner forsaid Is only granted and competent in the cace of compriseings led since the first day of January 1652 yeers and to be led after the date of thir presents and for personall debt only without preiudice alwayes of ground annuells annuellrents due vpon infettment and other reall debts and debita fundi and of compriseings therfore of lands and others affected therwith which shall be effectuall and preferable according to the lawes and practick of this Kingdome now standing And it is also provydit that the Creditors haveing right to the first comprising (Except as is above excepted) shall be satisfied by the posterior comprisers clameing the benefite forsaid of the whole expence disbursed by them in deduceing and expeding the said first comprising and infettments thervpon . . . . And his Maiestie with consent forsaid Doth Declare that the benefite forsaid introduced heirby anent compriseings shall be extendit to adjudications for debt So that the Creditors at whose instance the same are obtained and those who have right to redeem the same Shall be in the same cace as to the benefite forsaid as if the said Adjudications for debts wer compriseings . . . . And further his Maiestie with consent forsaid Doth Declare That incaice any debtors have by volunter agreement betuixt them and their Creditors or any of them Renounced the benefite of any acts of this nature concerning debtor and creditor made or to be made the said agreement shall be of force and effectuall and shall not be preiudged heirby Without preiudice alwayes to the said debtor of the prorogation forsaid of the legall reversions of compriseings led and deduced against them and not as yet expyred Notwithstanding of the agreement and renunciation forsaid . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## PARLIAMENT AT EDINBURGH, 18TH JUNE 1663.

## CAP. 4.

[1663, *cap.* 10.]

ACT in favours of Minors anent the duties of the lands comprised from them

OUR Soverane Lord Considering the favourable condition of Minors who are oftentimes destitute of Tutors and Curators And though they have them Yet in respect of their minority they are not in capacity or credite to raise sumes of money for satisfaction of their Creditors And it being vnreasonable that their Creditors comprisers of their estate should dureing the not expyreing of the legall reversion which according to law continewes dureing their minority have more advantage by their estate then corresponds to the annuellrent of the true sumes ouing to them by vertew of their compriseings Doth with advice and consent of his Estates of Parliament Ratifie and Approve the act of Parliament made in August 1621 *cap.* 6 in so far as the samen concernes Minors And Declares that the true meaning thair of Wes and is That minors haveing right to the legall reversion should be no further obleidged dureing their minority of twenty one yeers of age Bot allenerlie for the annuallrent of the sums contained in the compriseings And that they losse not the right of the superplus of the mails and duties of the lands So far as the same exceids the saids annuellrents dureing their said minority

## CAP. 12.

[1663, *cap.* 6.]

ACT anent ruinous houses in Royall Burghs

OUR Soverane Lord being informed That vpon the heigh streits of severall of his Maiesties Burghs Royall and in the vennells and other passages within the samen Ther be many houses in the publict view of all people resorteing thairto very ruinous and not inhabited these diverse yeers bygone nor likely to be repaired be any to the great opprobrie of the saids burghs and common scandall of the Kingdome As being altogether defective of that policie and good order which is and ever hath been so earnestly intendit in the many wholesome and lawdable lawes alreadie made by his Maiestie and his Royall progenitors of most worthy memorie And finding the burroughs very desirous to have these many dangers and inconveniences prevented and remeided Which the inhabitants of these burghs and the rest of the leidges frequenting the same doe continowally fear from such ruinous buildings Doth therfor with advice of his Estates of Parliament Ordeane the Provost and Baillies of the burgh Wher such ruinous houses are To cause wairne and charge all persons that have or pretends right to the proppertie of such lands and buildings or any annuellrents forth therof to cause build and repair in a decent way within year and day such houses and buildings as have been waste and not inhabited three yeers befor the date of this present act or shall be waste and not inhabited heirafter by the forsaide space of three yeers Or els to sell the same to others to be builded within the same space of year and day And to charge all knoune persones personallie or at their duelling places and by open proclamation at the paroche Kirk or mercat croce of the burgh and all others by open proclamation at the said mercat croce and paroche kirk And incaice of their absence out of this Realme at the croce of Edinburgh and Peer and shore of Leith vpon threescore dayes With certification to them if they failie The said Provost and Baillies shall cause the saids lands and tenements to be valued by certane persones to be choisen and sworne by them for that effect and sell the same to any persones that will buy them and pay the price of the same to these owners if they be knoune And if they be not knoune to consigne the prices therof in the hands of the Provost one of the Baillies or Dean of Gild of the said burgh To be

furthercomeing to these who have interest therto And if no man will buy them It shall be lawfull to the said Provest and Baillies after apprising therof as said is and payment or consignment of the prices of the same To cast down the said ruinous houses and cause build the same of new And his Maiestie with advice forsaide Declares That it shall not be lawfull in tyme comeing to any maner of persone to persew them nor their successours thairfor nor pretend any right nor interest therto Bot that the said right shall be a perfect security to the builders thairfor and their successours

## CAP. 31.

[1663, cap. 21.]

ACT anent Manses and Gleibs and pointing for Ministers stipends

OUR Sovereigne Lord . . . with advice and consent of the Estates of Parliament . . . because notwithstanding of diverse acts of Parliament made of befor diverse ministers are not yet sufficiently provyded with manses and gleibs and others doe not get their manses frie at their entrie . . . Statuts and Ordains that whair competent manses are not alreadie built the heritors of the parochie at the sight of the Bishop of the Diocess or such ministers as he shall appoint with tuo or three of the most knowing and discreit men of the paroch build competent manses to their Minister the expences thairfor not exceiding one thousand punds and not being beneath fyve hundreth merks And wher competent manses are alreadie built Ordaines the heritors of the parochie to releive the Minister and his executors of all cost charges and expences for repairing of the forsaid manses Declareing heirby that the Manses being once built and repaired and the building or repaireing satisfied and payed by the heritors in maner forsaide the saids manses shall thereafter be vpholden by the incumbent Ministers dureing their possession And by the heritors in time of vacancy out of the readiest of the vacand stipend In lykmaner Ordains that every Minister have fewell foggage feall and devots according to the act of Parliament made in anno 1593 As also that every Minister (except such Ministers of royall burrowes who have no right to Gleibs) have grasse for ane horse and tuo kyne over and above their Gleib to be designed out of kirklands and with releiff according to the former acts of Parliament standing in force And if ther be no kirklands lyeing neir the Ministers manse out of which the grasse for ane horse and tuo kyne may be designed or otherwise if the saids kirklands be arable land In either of these caces Ordaines the heritors to pay to the Minister and his successors yeerly the sume of twenty pund scots for the said grass for ane horse and tuo kyne the heritors alwayes being releived according to the law standing of other heritors of kirklands in the said parochie And because severall kirks have no gleibs as yet designed to them It is heirby specially provyded that in all designations of Gleibs incorporat acres in village or toun wher the heritor hath houses and gardens the same shall not be designed he alwayes giveing other lauds nearest to the kirk And his Maiestie with advice forsaide for speciall causes and considerations Declares that this present act as to the manses is to have force As if the same had been made and dated the fourteenth of March one thousand sex hundreth fourty nyne

[*In part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

## CAP. 34.

[1663, cap. 28.]

COMMISSION for plantation of Kirks and valuation of Teinds

THE Kings most excellent Maiestie being desireous to prosecute the worke of valuation of teinds and plantation of kirks in reference to his oune interest for the

annuitie and the vniversall good of his people especially for the encouragement of the Ministers of the Gospell Doth with advice and consent of his Estates of Parliament Ratifie and Approve the nynteinth act of the Parliament holden at Edinburgh by his Royall father of blessed memorie in anno 1633 (entituled Commission for valuation of teinds) in the whole heids clauses and conditions thairof Except in so far as ther hath been any alterations made therin by acts and commissions made and granted be his Maiestie since the date of the said act or granted by any pretendit Parliaments since and which are ratified solved or reserved by this present Parliament and which alterations are not destructive of and contrary to this present act or any clause thairof And siclyk Ratifies and approves the sextie one act of the first Session of this present Parliament entituled Commission for plantation of kirks &c. In the whole heids articles and clauses thairof Except in so far as the same may be contrary to this present act as said is And his Maiestie with advice and consent forsaid Gives full power and Commission to James Archbishop of St Andrewes William Earle of Glencairne Chancellour Johne Earle of Rothes Thesaurer Alexander Archbishop of Glasgow William Earle Marishall Privyseall Duke of Hammilton Marques of Montrose Earle of Lawderdale Secretary Earle of Eglintoun Earle of Linlithgow Earle of Kellie Earle of Hadingtoun Earle of Annandale Earle of Leven Earle of Tueddale George Bishop of Edinburgh James Bishop of Galloway George Bishop of Dunkell Bishop of Aberdein Johne Bishop of Ross Robert Bishop of Dunblane Bishop of Orkney William Lord Bellenden Thesaurer Deput Sir John Gilmoir president of the Session Sir Archibald Primerose Clerk Register His Maiesties advocat Sir Johne Home of Renton Justice Clerk Sir James Lockhart of Lee Sir John Skougall of Whitekirk Charles Maitland of Haltoun Sir Thomas Hammilton of Prestoun Sir Johne Wauchop of Nidrie Sir Robert Fletcher of Saltoun Sir Henry Wardlaw of Pittrevie William Scot of Ardross Sir Andrew Ramesay Provost of Edinburgh Sir Robert Murray ther Sir Archibald Sydserff Sir Alexander Wedderburn Sir William Thomson Johne Milne Robert Lenton Provost of St Andrews Mr John Paterson Provost of Perth William Seatoun Provost of Hadington Or any fitein of them wherof three of the Clergie three of the Nobilitie three officers of State three Commissioners of Shires and three of burghs Of which number the Archbishop of St Andrews or the Chancellour or the Thesaurer or the Archbishop of Glasgow or the Privy Seale or the Secretary or the Duke of Hamilton or the Earle of Hadingtoun or any of them being alwayes one To meit and convene at Edinburgh the day of one thousand Sex hundreth and sextie years and at such other place or places times and dyets as they shall appoint To value and cause be valued whatsoever teinds great or small personage or viccarage of whatsoever lands within this Kingdome lyable to the payment of teinds which are yet vnvalued Excepting always the teiths of the Archbishops Bishops and other benefited persons wherof they wer in reall and actuall possession by leadeing and collecting the same in the yeer one thousand Sex hundreth twenty eight and with provision that they be not preiudged of the fruits and rents of their severall benefices As the same wes possest by them anno 1637 Conforme to the Submission made by the Bishops to his Maiestie in the said yeer and decreit arbitrall following thervpon With power to the saids Commissioners or quorum forsaid to appoint subcommissioners conforme to the former acts and Commissions for valuation of teinds and receave reports from them And with power to them wher Ministers are not already sufficiently provyded or have not localities assigned to them for their stipends out of the teinds within the parochie wher they serve the cure to modifie setle and appoint constant local stipends to ilk minister out of the teinds of the parochie wher they serve the cure in so far as the same will amount to According to the quantities of victuall or money mentioned in the saids acts and commissions and to decide and proportion the saids localities And with power to disjoyne too large and spacious paroches to cause erect and build new Churches to dismember and annex kirks as they shall think just and to take order that every heritor and lyverenter shall have the leadeing and buyeing of their oune teinds if they be willing According to the rates prescribed be former Commissions Particularly by the Commission granted by his Maiestie with consent of the Estates of Parliament in anno 1633 With power to them to determine all questions concerning the prices of teinds betuixt titulars and

others haveing right therto and the heritors And to appoint such securities in favors of the titulars and others haveing right to the teinds for the prices to be granted by the heritors payers of the valued dueties or buyers of the saids teinds and in favors of the Ministers as to their maintenance As the saids Commissioners shall think fitting According to the rule set down in the saids former acts Namely in the said act anno 1633 Declareing that whair the viccarage of any parochie is a severall benefice and title from the personage the same shall be severally valued to the effect the Titulars or Ministers serveing the cure haveing right to the said viccarage be not frustrat of the true worth therof And that titulars and others haveing right to the teinds shall not be forced to dispoone any teinds valued or to be valued which shall be assigned disponed and allocat to the Minister serveing the cure of the parochie And also with power to the saids Commissioners or quorum forsaid to rectifie whatsoever valuations led or to be led to the enorme prejudice of the titulars and to the hurt and detriment of the kirk and prejudice of the Ministers maintenance and provisions or of his Maiesties annuitie Provyded alwayes Lykeas it is heirby expreslie provyded that whair valuations are lawfully led against all parties haveing interest and allowed by former Commissions the same shall not be drawne in question nor rectified vpon the pretence of enorm lesion at the instance of the Minister (not being titular) or at the instance of his Maiesties Advocat in respect of his Maiesties annuitie except it be proven that collusion wes vsed betuixt the titulars and heritors or betuixt the proctor fiscall and heritors and titulars Which collusion is declared to be wher the valuations ar led with the diminution of the thrid of the just rent Which diminution shall be proven be the parties oaths And albeit all the acts in the pretendit Parliaments in the years 1640 1641 and thereafter Are declared by ane act of this Parliament null and of no avail in all timecomeing Yet it is heirby declared that all and whatsoever valuations acts sentences and decreits done and past by any Commissions granted by the saids pretendit Parliaments with all executions vsed or to be vsed thervpon Are and shall be als valeid in all timecomeing As if the saids valuations acts sentences and decreits had been given and pronounced by persons legallie impowered to that effect Any thing in the forsaid Rescissorie act to the contrary notwithstanding Excepting such decreits of valuation modification of stipends or augmentations thair of past and granted since the year 1637 Wherby the saids Archbishops or Bishops are preiudged of any parte of their rents wherof they wer in possession in the said year 1637 And although by a special act of this present Parliament the pretendit Parliament holden in anno 1649 and in the begining of the year 1650 Is from the begining declared voyd and null and all that had followed thervpon Yet nevertheles his Maiestie doeth with advice forsaid Authorize all valuations acts decreits and sentences led deduced and pronounced by the Commissions one or moe appointed by the said pretendit Parliament for plantation of kirks and valuation of teinds and all execution competent thervpon Excepting such decreits and sentences given in favors of Ministers for their stipends or for divydeing vniteing annexing or building of Kirks which shall be fund to have been vnjustly or exorbitantly decerned The determination whair of is heirby referred by his Maiestie with consent forsaid to the saids Commissioners that they after heareing of parties and consideration of particulars may take such course for altering annulling or allowing of the saids acts decreits and sentences as they shall think fitting conforme to the lawes practick and custom observed preceeding the year 1649 And ordaines processes vpon supplications to be summarly granted parties being alwayes ceited And that without any reduction And it shall be lawfull to the saids Commissioners or quorum forsaid to proceid in all summons and actions to be intendit for that effect within the space of two yeers after the first dounsitteing of the Commission And wheras it may fall out that some of the saids Commissioners may be vnable to attend the service through death seiknes or other knoune impediment Thairfor his Maiestie Declares that he shall be carefull to fill their places with other persons qualified whose oaths for faithfull discharge of the same Shall be taken by the Lord Chancellour or in his absence by the President of the said Commission for the tyme And Ordaines this present Commission to endure ay and whill the same be discharged by his Maiestie And the acts decreits and sentences thair of to have the force strenth and effect of a decreit and sentence of Parliament And the Lords of Session to grant and direct letters of horning

Poinding and others requisite in maner contained in the forsaid Commissions And considering that it wes the will and pleasure of his Maiesties Royall father that all heritors who should be willing to buy Should have their oune teinds at reasonable rates Therfor his Maiestie with advice forsaid Statuts and Ordains That all heritors whose teinds are not valued (excepting as is formerly excepted in this Commission) shall have liberty to value and buy the same at such rates as is contained in the acts of Parliament 1633 With power to the saids Commissioners to augment the saids rates according to the burden of augmentation and others sustained by the Titulars since the saids acts and the saids heritors to have the liberty of buyeing as said is within the space of three yeers after the valuation With this declaration alwayes that incaice the impediment dureing the time forsaid flow from the Titular by reason of his minority or other inability In that cace the heritor who offers himself readie to buy his oune teinds within the space forsaid Shall have place so soon as the impediment is removed to buy his teinds Notwithstanding of the expiring of the yeers and space above exprest And it is declared that if the heritor be minor and his Tutors neglect the buyeing of his teinds within the forsaid space The minor shall have action for tuo yeers after his minority to compell the Titular for selling of his saids teinds And his Maiestie with consent forsaid heirby discharges all former Commissions Declareing the same to be expyred

---

PARLIAMENT AT EDINBURGH, 19TH OCTOBER 1669.

## CAP. 5.

[1669, *cap.* 4.]

## ACT concerning poinding befor the days of the charge expyre

OUR Sovereane Lord with advice and consent of his Estates of Parliament Statuts and Ordaines That heirafter it shall not be lawfull to poind moveables vpon registrat bands or decreits for personall debts whill the parties be first charged and the days of the charge be expyred with certification that poinding otherways vsed shall be null and the poiders shall be proceidit against and punished spuilyers . . . but preiudice to Superiors to vse poinding against their Vassalls for their few dewties as they might lawfullie have done of befor

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 7.

[1669, *cap.* 6.]

## ACT for the ordering of Suspensions of the Benefices and Stipends of the Clergy

THE Kings Maiestie being carefull That the maintenance of the Clergie be duely secured vnto them And that they be not withdrawne from ther charges by vnecessar law sutes for recoverie therof Doth therfor with advice and consent of his Estates of Parliament Statute and Ordaine That no suspension shall passe in tyme comeing against any . . . Minister of the Gospell or Vniversities and Colleges of any charges to be given at thair instances for payment of the rents of their benefices stipends or colledge rents whair they have speciall decreits against the heretors or possessors due and lyable in payment therof to them Except vpon production of discharges or consignation of the soums charged for if the rent of the benefice or stipend consist in money or of one hundreth merks scots for ilk chalder of victuall

wher the samen consists in victuall and proportionally if the victuall charged for be less nor ane chaldre without prejudice to the Lords of Session to modifye a greater or less sounge for the chaldre of victuall As they shall find cause at the discussing of the Suspension And if any bill of suspension of a generall Charge Shall be presented in tyme of Session That the ordinary Lord vpon the bills befor the passing thair of call for the chargers at the bar That they may instruct the ground of the charge And in caise it shall be fund by the Lords of the session at the discussing of the suspension That either the charge hath been maliciously given or maliciously suspendit That the Lords modifye a fyft parte of the sounge charged for of expences of plea to be payed by the malicious charger or suspender

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 14.

[1669, *cap.* 9.]

ACT concerning Prescriptions

OUR Soverane Lord with advice and consent of the Estates of Parliament Statuts and Ordains . . . That Ministers stipends and multurs not pursued for within fyve yeers after the same are due and lykways maills and dewties of tennents not being pursowed within fyve yeers after the tennent shall remove from the lands for which the maills and dewties are craved Shall prescrive in all tyme comeing Except the saids Ministers stipends multurs maills and dewties Shall be offered to be proven to be due and resting owing be the defenders their oaths or by a special writ vnder their hands Acknowledgeing what is resting owing And that all bargains concerning moveables or souns of money probable by witnesses Shall only be probable by writ or oath of party if the same be not pursued for within fyve yeers after the makeing of the bargain And further his Maiestie with advice and consent forsaid Statuts and Ordains That all actions proceeding vpon warneings spulyies ejections arreistments or for Ministers stipends and others forsaid Shall prescrive within ten yeers Except the saids actions be wakened everie fyve yeers But prejudice always of any of the saids actions which by former acts of Parliament are appointed to prescrive in a shorter tyme And also Statuts and Ordaines That holograph missive letters and holograph bands and subscriptions in compt books without witnesses Not being pursowed for within twenty yeers Shall prescrive in all tyme thereafter Except the pursower offer to prove by the defenders oath the verity of the saids holograph bands and letters and subscriptions in the compt books It is always heirby Declared That prescription shall not run in any of the caces forsaid against Minors durning the yeers of their minority

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 15.

[1669, *cap.* 10.]

ACT concerning Interruptions

OUR Soverane Lord with advice and consent of the Estats of Parliament Statuts and Ordains That all interruptions as to the rights of lands be citations Shall in all tyme heirafter be execute be Messingers at Arms and against the defenders personally or at their duelling places and at the paroch Churches in tyme of divine service or immediatly thereafter And in caise the parties be furth of the Kingdom At the mercat croce of Edinburgh and peir and shore of Leith vpon threescore days And that all citations that shall be made vse of for interruptions whither in reall or personall rights

be renewed everie seven yeers otherwise to prescryve Except the parties be minors In which case this act is not to be extendit against them dureing the yeers of their minority

## CAP. 37.

[1669, cap. 16.]

## ACT for repairing High ways and Bridges

OUR Soverane Lord . . . . Doth Appoint and Ordain . . . . the Justices of Peace in each Shyre . . . . to visite the ferries in ther Shire And wher the ferries ly betuixt tuo Shyres That they correspond with the Justices of the other Shyre to the end they may appoint fit and sufficient boats and convenient landing places And so to regulate all things concerning the ferries As his Maiesties leidges may be readily and conveniently served and at reasonable rates And to punish all such as shall neglect or transgress the rules set down be them for the effect forsaid . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 38.

[1669, cap. 17.]

## ACT anent incloseing of Ground

WHERAS by the fourty one act of the first Session of his Maiesties first Parliament Entituled Act for planting and incloseing of ground It is provyded that whair inclosers fall to be vpon the borders of any mans inheritance The next adjacent heretor shall be at equall pains and charges in building ditching and planting that dike which divyds their inheritance And the Estates of Parliament Considering the inconveniency and difficulty the execution of that parte of the said act may meit with in lands marching together wher the marches are crooked and vnequall Or wher any parte of the bordering ground is vnfit or incapable of bearing a dyk or receaveing a ditch or hinders the compleiting of the inclosure in ane equall line For remeid whair of his Maiestie with advice and consent of the saids Estates Doth Statute and Ordain That whensoever any person intends to inclose by a dike or ditch vpon the march betuixt his lands and the lands belonging to other heretors contiguous therunto It shall be leisum to him to require the next Shirreffs or bailliffs of Regalities Stewarts of Stewartries Justices of Peace or other Judges ordinar To visite the marches alongst which the said dyke or ditch is to be drawne who are heirby authorized when the saids marches are vneven or otherways incapable of ditch or dike To adjudge such parts of the one or other heretors ground as occasion the inconveniency betuixt them from the one heretor in favours of the other So as may be least to the prejudice of either party And the dike or ditch to be made To be in all tyme thereafter the common march betuixt them And the parts so adjudged respective from the one to the other being estimat to the just avall and compensated pro tanto To decerne what remains vncompensated of the price to the party to whom the same is wanting And it is heirby Declared That the parts thus adjudged hinc inde Shall remain and abyd with the lands or tennendries to which they are respective adjudged as parts and pendicles therof in all time comeing

## CAP. 39.

[1669, *cap.* 18.]

## ACT Anent Adjudications

OUR Soverane Lord Takeing to consideration That by severall acts of Parliament and constant practick of the Kingdom Ther is one yeers rent of all lands annuellrents or others appriued due and payable to the Superior of the saids lands and others befor he be holden to enter and infett the compriser And that ther is the same reason in caces of Adjudications as Appriseings Thairfor his Maiestie with advice and consent of the Estates of Parliament Statuts Ordains and Declares That the Superiors of lands annuellrents and others adjudged shall not be holden to grant any Charter for infetting the adjudger Till such tyme as he be payed and satisfied of the yeers rent of the lands and others adjudged in the same maner as in compriseings And declares That in all caces adjudications shall be in the lyk condition with compriseings As to the Superiors

## CAP. 95.

[*Not in 12mo Edition.*]

## RATIFICATION in favours of the Lord Lyon King at armes &amp;c.

OUR Soverane Lord with advice and consent of the Estates of Parliament Ratifies and approves the fourtie sext act Parliament elevent of his Maiesties wmqhill dearest grandfather King James the sext of ever glorious memorie In the hail heids articles clauses and circumstances therof And particularly without prejudice of the generality forsaid that parte of the said act wherby the Lyon King at armes is authorized to hold tuo peremptor courts in the year One vpon the sext day of May and the other vpon the sext day of November yeerlie if they be lawfull and failyeing therof the next lawfull days thereafter And to depryve all messingers and officers being fund culpable in the administration of their offices As also the cautioner to incurre the pain wherof the third parte shall apperteane to the Lyon And for the further cleiring of the said act his Maiestie with advice and consent forsaid Doth Statute and ordean that the said Lyon King at armes shall have full power and jurisdiction to decerne the cautioner alswell as the Messinger being fund culpable as said is conforme to their bands of cautionrie to pay such soumes of money to the parties leised and wronged as they shall be fund to have bein damuified in by the male administration of the messinger or officer who shall be fund culpable as said is As also his Maiestie with advice and consent forsaid Ratifies and Approves the 125 act tuelff Parliament of his Maiesties said dearest grandfather King James the sext And ordaines letters of horning on sex days charge only to be direct vpon the saids acts at the instance of the said Lyon King at armes and his successors for putting the saids acts and all the branches therof to further and better execution Together also with the gift and signature past and exped be his Maiesties wmqhill dearest father King Charles the first of ever glorious memorie To and in favours of the Lyon King at Armes and his breethren heraulds and pursevants their Clerk of Court and thair successors dated at Halyrudehous the tuentie sevent day of Junii 1633 yeers with all the priveledges emoluments and casualities thairin contained And that als fully and ampie in all respects as if the particular priveledges therin insert wer heirin verbatim expressed and wer granted to the said Lyon and others therin compreheudit by a particular act bearing originally the saids concessions and priveledges

## PARLIAMENT AT EDINBURGH, 12TH JUNE 1672.

## CAP. 2.

[1672, cap. 2.]

## ACT Concerning Pupils and Minors and their Tutors and Curators

OUR Sovereigne Lord Considering the great prejudice and inconvenience befalling to pupils and others who cannot provide for or defend themselvis That their Tutors or Curators have immediat access to their Charter-Chests writes Evidents and securities of their lands sumes of money and others belonging to them which they may imbezle suppress or by collusion give vp to their debtors or vther pairties interessed without just satisfaction Or otherwise having gotten satisfaction their is noe mean by which a charge can be maid vp against the saids Tutors and Curators but themselvis when they are brought to an accompt make both their owne charge and discharge And incase of their decease they who succede to them for the most part can have no charge maid vp against them at all For Remeid Wherof His Majestie with advice and consent of his Estates of Parliament Statuts Ordaines and Declaires that no Tutor or Curator of any Pupil Minor Idiot or furious persone to be named or designed in any tyme comeing or who is not actually Stated and entered in the said office shall have power or authoritie to exercise the said office of Tutor or Curator or to meddle with the writes Evidents Meanes and Estates of the saids Pupills Minors Idiots or furious persones untill first ane Inventar be maid vp in maner aftirspecefeit by the saids Tutors and Curators with advice and consent of the neirest of kin on the fathers side and the neirest of kin on the mothers side who shall be Majors and within the Kingdome for the tyme Which Inventar shall be subscryved by the saids tutors and curators and the saids neirest of kin and one subscryved double therof keiped by the saids Tutors and Curators another by the neirest of kin on the fathers side and the thrid by the neirest of kin on the mothers side All which subscribed duplicats shall be judiciallie produced befor the judge ordinar of the place where the Pupill Minor Idiot or furious persone their cheiff residence is And ane act maid vpon production therof Beiring the production of the Inventar and expressing the names of the persones subscribers therof and in whose custodie the same are left and that the duplicats be also subscribed be the Clerk of Court that they may not be altered ther-  
 aftir And in case the neirest of kin on both sides will not concurr in makeing vp the Inventar in maner forsaid the saids Tutors and Curators shall raise summonds at their instance befor the saids judges ordinar respective for sumonding the neirest of kin that are Majors and within the Countrey vpon either side for decerning them to concurr in makeing vp of the said Inventar in maner forsaid And in case they Compeir not or doe not concurr as said is With certification the said Inventar shall be maid vp by the said Tutor or Curator with advice and consent of the Judge Ordinar Or any whome he shall delegate or appoint who shall subscribe three duplicats of the said Inuenter with the saids tutors or Curators Whervpon a Judiciall act shall be maid and the Duplicats subscryved by the Clerk in the same maner as if the neirest of kin had concurred and a Duplicat therof shall be keiped by the saids tutors and curators and the vther tuo Duplicats shall remain in the Clerks hands to be delivered to the neirest of kin on the father and mothers side being closed vp and sealed by the saids Tutors or Curators and the persone Delegat for making the said Inventar as said is Which Inventar shall contain the names and designations of the lands belonging to the pupills Minors and vthers forsaid and the Bands Compts and tickets due to them and soumes thereincontained and their moveables als weill heirshipe moveables as vther moveables And incase that theraftir any vther lands debts soumes of money or vther goods and geir whatsoever belonging or that may happin to belonge to the saids pupills Minors Idiots or furious persones shall come to the knowledge of the saids Tutors or Curators soe that they may attaine to the possessioun therof In that case and within the space of two moneths aftir they attaine to the possessioun of the samine They shall eike the same to the forsaid Inventar and make a judiciall Act thervpon in the hands of the Clerk of Court where the principall Inventar was maid and shall leave

two duplicats of the said eik or eikes one or moe sealed as said is in the hands of the said Clerk for the vse of the neirest of kin as said is And It is heirby further Declaired That the Debtors of the pupils Minors Idiots or furious persones shall not be obleidged to make payment to the Tutors or Curators of the saids persones of any soumes due by them vnless the said Tutor or Curator show to the saids debtors that the soumes or goods demanded from them are contained in the saids Inventars or eeks subscribed by the saids neirest of kin or by the Clerk of Court in maner respective forsaid And It is heirby further Declaired that if the saids Tutors or Curators shall failye in making vp the saids Inventars and Eikes in maner abovewrittin They shall be lyable both for intromission and omiission and shall have no allowance or defalcation of the charges and expenses waired out be them in the affaires of the saids Pupills Minors Idiots or furious persones and shall be removeable from their office as suspect Tutors and Curators if they fail in making vp the Eiks from tyme to tyme in maner forsaid It is alwise heirby Declaired that this act shall not prejudice Pupills Minors and vthers persones afoirsaid to charge their Tutors or Curators with what it can be maid appear they have intrometted or might have intrometted with over and above what is contained in the Inventar And ffurther His Maiestie with advice and consent forsaid Statuts and Ordaines That all Giftes of Tutorie that shall be granted heiraftir by his Maiestie or his Exchequer shall proceed vpon citation of the minors neirest of kin on both sides at the instance of the Cravers of the saids gifts That they may be hard if they have any thing to say against the persone to whome the gift is to be granted or vpon consent first obtained therto vndir the hands of the said neirest of kin And Ordaines that the said Gifts shall beir expressly that the neirest of kin wer cited or consented to the passing of the said Gifts Certifying all who shall procure giftes of Tutorie or Curatory forsaid without citation or consent of the saids neirest of kin or where the samine is not expresly mentioned therein that these gifts shall be Declaired null and void be way of exceptioun or action at the instance of any persone who shall obtaine a gift of the saids Tutorie or Curatory Conforme to the tennor of this present act

## CAP. 6.

[1672, cap. 6.]

## ACT Discharging Second Summonds &amp;c.

. . . . it is . . . . Statute and Ordained that in tyme comeing all executions of summonds shall beir expressly the names and designations of the pairties pursuers and defenders And that it shall not be sufficient that the same doe relate generally to the Summonds otherwise the executione shall not be sustained

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 16.

[1672, cap. 7.]

## ACT concerning writs passing the great and privie Sealls

THE Kings Maiestie . . . . With advice of his Estates of Parliament . . . . vndir- standing the great trouble and inconveniencies occasioned by the wreattting of long Charters and vther wreatts which pas the sealls afoirsaid in one broad parchement of soe great lenth and largenes that they can hardly be read Doth for remeid therof . . . . Statute and Ordaine that it shall be frie to any persone who hath any Charter or wreatt to be wreatten for the great or privie sealls to choice whither to have the

same written in a broad skin of parchment as formerlie or to have them wreattin by way of a booke in leaves of parchment aboute the breadth of ane ordinary sheat of paper and accordingly the Writers to the great and privie sealls are heirby Ordained to write and exped the same And if they shall be written in the way of a booke that each page be signed and marked by them as said is Which being done the respective sealls are to be appended thereto in maner following videlicet To such as shall be written on a skin of parchment in the ordinary way That the sealls be appended as formerlie And to these which shall be written in the booke way That the sealls be appended vpon a tye or band which is to goe thorow all the Leaves in the Margine And that for doing heirof this shall be a sufficient warrant to all persones concerned

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 24.

[1672, *cap.* 13.]

ACT for the Ann due to the Executors of . . . Ministers

THE Kings Maiestie judgeing it necessary for the good of the Church that such a stated and equall course be taken for clearing and securing the Ann due to the executors of deceast . . . Beneficed persones and Stipendiary Ministers as may be suitable to the Interest of the Executors and noe discouragment or hinderance to the planting of the vacant Benefices Doeth therfor with advice and consent of his Estates of Parliament Statute and Ordaine that in all such caices hereaftir the Ann shall be ane halfe yeires rent of the benefice or stipend over and above what is due to the defunct for his incumbency Which is now Settled to be thus videlicet if the incumbent survive Whitsunday there shall belonge to them for their incumbency the halfe of that yeires stipend or benefice and for the Ann the other halfe And if the incumbent survive Michaelmes he shall have right to that whole yeirs Rent for his incumbency and for his Ann shall have the halfe yeirs rent of the following yeir And that the executors shall have right hereto without necessity or expenses of a confirmation

---

CAP. 39.

[1672, *cap.* 15.]

COMMISSION for plantation of Kirks and Valuation of Teinds

FORASMUCH as his Maiesties father of evir blissed memorie out of his Royall care and Zeall for the reformed religion within this Kingdome and the maintenance and provision of the ministry and Churches therof and the peace of the Kingdome and for preventing and setling all questions and differences that did or might arise betuixt Titulars and others having right to teynds and heritors concerning the leading and drawing of their teynds Did immediatlíe aftir his attaining and succeeding to the Croune Give furth and emitt his Royall Declaration anent the premisses and the other particulars therinmentioned And in the pursuance of the ends forsaid diverse Lawes and Acts of Parliament wer maid in the yeir of our Lord 1633 His said Maiestie being present in his Royall persone and since diverse acts of Parliament and Commissions have bein from time to time Maid Given and Renewed to that purpose And yet by reassoun of the unhappy troubles and distractions of the laite times that good and necessary worke neither is nor could be throughlie and fully accomplished And his Maiestie being resolved and desirous to prosecute soe good a worke for the vniversall good of his subjects and speciallie for the encouragement of the Ministers of the Gospell Therfor his Maiestie with advice and consent forsaid Gives full power and Commission to his Maiesties officers of Estate for the tyme being And to the Arch-

Bishope of Sainet Andrews the Arch-Bishope of Glasgow the Bishope of Edinburgh the Bishope of Dunkelden the Bishope of Galloway the Bishope of the Isles the Bishope of Breichin the Bishope of Dumblane and the Bishope of Aberdein for the Clergy The Duke of Hamilton The Earle of Argyll The Earle of Atholl the Earle of Linlithgow the Earle of Queensberrie the Earle of Tuedale the Earle of Kincairdin the Earle of Dundonnald and the Lord Elphingstoun for the nobilitie The President of the Session the Lord Colingtoun the Lord Gosfoord the Lord Craigie the Laird of Niddrie the Laird of Nicolsone the Laird of Balcaskie Sir Charles Erskine of Cambo and Sir William Lockhart for the Barrons Sir Andrew Ramsay Sir William Thomsone Sir William Sharpe Sir Alexander Bruce John Murray tutor of Stormonth Robert Milne Thomas Calderwood William Bining and John Johnstoun of Poltoun for the Burgessis Or any Eleven of them wherof two of the Clergy two of the Nobilitie two officers of Estate and two Commissioners of Shires and two of Burghs Of which number the Archbishope of St Andrews or the Lord Chancellor or one of the Commissioners of the Thesaurarie or the Archbishope of Glasgow or the Lord Privie seall or the Lord Secretary or the Duke of Hamilton or the Earle of Tuedale being allwayes one To meit and convey at Edinburgh the        day of        yeirs And at such other place or places times or dyets as they shall appoint To value and cause be valued whatsoevir teyndis great or small personage or viccarage within this Kingdome which are yet unvalued Declaireing that where the viccarage of any Parishe is a severall Benefice and Title from the Parsonage the same shall be severally valued to the effect the Titulars or Ministers serving the cuire having right to the said viccarage be not frustrated of the true worth therof With power to the saids Commissioners or quorum forsaidd to appoint Committees or Sub-committees of their owne number and to grant Sub-Commissions and to receave reports from them and to approve or disapprove the same as they shall find just and to rectifie whatsoevir valuations led or to be led to the enorm prejudice of the Titulars or the hurt and detriment of the kirk and prejudice of the Ministers maintenance and provisions Provided allwayes Lykeas it is heirby expressly provided that where valuations are lawfullie led against all pairties having interest and allowed by former Commissions The same shall not be drawne in question nor rectified vpon pretence of enorme lesion at the instance of the minister (not being titular) or at the instance of his Maiesties advocat in respect of his Maiesties Annuitie Except it can be proven that collusion was vsed betuixt the Titulars and heritors or betuixt the procurator fiscall and heritors and titulars Which collusion is Declaired to be when the Valuations are led with the diminution of the thrid part of the just Rent Which diminution shall be proven by the pairties oath And with power to the saids Commissioners or Quorum forsaidd where ministers are not alreadie sufficientlie provided or have not localities assigned to them for their stipends out of the teyndis within the paroche where they serve the Cuire in soe fare as the samyn will amount to according to the quantities proportions and rules contained in the ninteinth act of the Parliament in anno 1633 To modifie settle and appoint constant locall stipends to ilke minister out of the teyndis of the Parish where they serve the Cuire With power also to grant recompence by prorogation of tackes to pairties for the augmentation of stipends which shall be imposed suteable to the said augmentation as the saids Commissioners shall think just And Siolyke with Power to Disjoyne too large and spacious parishes to cause erect and build new Churches to dismember and annex kirks as they shall think convenient And to take order that every heritor and liverenter shall have the leading and buying of their owne teyndis if they be willing according to the rules prescribed by the nynteenth act and commission granted be his Maiestie with consent of the Estates of Parliament in anno 1633 and the acts of Parliament therinmentionat With Power to determine all questions concerning the prices of teyndis betuixt Titulars and others having right therto and the Heritors And to appoint such securities in favours of the titulars and others having right to the teyndis for the prices to be granted be the heritors or others lyable in payment of the valued dueties or Buyers of the saids teinds and in favours of the ministers as to their maintenance as the saids Commissioners shall think fitting according to the rules sett doune in the said Act in anno 1633 And the Heritors to have libertie to buy the teyndis of their lands which are not valued within the space of thrie yeirs affir the dait of this act With this Declaration

allwayes that in case the impediment dureing the time forsaide flow from the Titular by reason of his minoritie or other inabilitye in that case the Heritor who offered to buy his owne teind within the space forsaide shall have place soe soone as the impediment is removed to buy his teynds Notwithstanding of the expyreing of the yeirs and space above exprest And it is Declaired that if the Heritor be minor and his tutors neglect the buying of his teynds within the forsaide space The minor shall have action for two yeires aftir his minoritie to compell the Titular to sell his saide teynds And generallie with Power to the saide Commissioners to decide and determine in all other pointes which may concerne the leading and drawing the teynds the selling or buying of the same or payment of the rates therof contained in the acts of Parliament or sett down in the generall determination given out by his Maiesties royall father of blessed memorie And if anie persone or persones shall find themselvis grieved and compleane of the injustice or exorbitancy of any decreits and sentences given in any of the Commissionis dureing the late troubles With Power to the saide Commissioners to take the same to their consideration and to alter annull and allow the saide Decreits and Sentances as they shall find just And it is allwayes Provided and Declaired that Arch-bishopes and Bishopes and other beneficed persones being Ministers and their successors shall not be prejudged of the Rents wherof their predecessors wer in actuall and reall possessioun and which by the lawes of the Kingdome wer due to them in anno 1637 And that they shall be no farther bound bot according to the Provisiouns and conditionis exprest in the Submissions maid by the Bishopes to his Maiesties Royall ffather of blissed memorie which is of the dait the       day of       1628 yeires and registrat in the bookes of Commission for surrenders and teynds vpon the 15 day of July 1631 And wheras it may fall out that some of the saide Commissioners may be vnable to attend the Service through death sicknes or other knowne impediment Therfor his Maiestie Declaires that he shall be carefull to fill their places with other Persones qualified whose oathes for faithfull discharge of the same shall be taken by the Chancellor or in his absence by the president of the Commission for the time And Ordaines this present Commission to endure ay and while the same be discharged by his Maiestie and the Acts Decreits and sentances thereof to have the force strenth and effect of a Decreit and Sentance of Parliament And the Lords of Session to grant letters of horneing Poynding and others requisite in maner contained in the forsaids Commissionis And his Maiestie with consent forsaide hereby Discharges all former Commissionis Declairing the same to be expyred

## CAP. 40.

[1672, *cap.* 16.]

## ACT concerning the Regulation of the Judicatories

THE Kings Maiestie being Desireous that the publick Judicatories of this Kingdome might be soe regulat that all abuses which had or might probably creep into the same be redressed and prevented and that the best most summar and equall way of bringing and calling of Processis for Dispensing of Justice should be settled as his subjects might be releived and secured against oppression and exactions and that justice might be administrat to them with expedition and as litle trouble and charge as may be Did by a Commission vndir the great seall of the 21 September 1669 Authorize some Noblemen and others of his privie Councill and Session to consult settle and sett doune such Rules and Orders as they should judge necessary for these ends And to returne ane accompt of their proceedingis to his Maiestie that He might take such course therein as in his Royall wisdom he should think fitt In obedience wherunto the Commissioners having had severall meittings and consulted on the best and reddiest wayes for the prosecution of his Maiesties royall intention for the good and ease of his subjects and finding the same to be of such importance as required a longer time to make a full settlement therein Yet in the moneth of March 1670 they agried unto condiscended vpon and did returne to his Maiestie certain rules and articles of

Regulation without prejudice of what vpon furder Consideration they should theraftir offer for a full settlement And his Maiestie haveing Considered these Rules and Articles Did by his Royall Allowance of the fourth of Junij 1670 Ratifie and Approve the same and did Ordaine them to be duely observed in all tyme comeing And the Commissioners having since that tyme kept severall meittings and taken that affair into their furder Consideration have resolved vpon some other Articles Rules and Amendments which being joyned with the former and again offered to his Maiesties Consideration His Maiestie doeth with advice and consent of his Estates of Parliament Ratifie and Approve the same And Ordaines them to be recorded in the bookes of Parliament and duely observed by all his Maiesties Subjects Of the which Articles the Tenor followes

#### Concerning the SESSION

1. SEING a great pairt of the trouble and expences of the Leidges in obtaining of justice in their Causses is occasioned throw the uncertantie of their attendance vpon processes depending befor the Lords of Session wherby not knowing any certain tyme at or about which their processes will be called they are necessitat to wait on the most pairt of the time of the Session dureing the dependence of their processes Or otherwayes to be absent when the same are discussed That therfore all processes shall be discussed and determined as the pairties are in reddines and do call for justice aftir the same have bein sein by the defendars advocats and are returned by them . . . . And that bookes of Enrollment be maid for enrolling the said processis according to the daits of the returnes that therby notice may be timeouslie given to all pairties having interest in the process how far the Lords of Session are advanced in discussing and determining processis according to the saids Rolls that the pairties may be present when their processis will fall in to be discussed and determined in their course as they stand in the rolls and may in the meane time rest quiet and secure that their rights and interests will not be decyded when they cannot know to be present which cannot be attained unles all priviledges wherby any cause can be called otherwayes then according to its due course in the saids rolls be laid aside . . . .

[*Art. 1 in part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

[*Arts. 2-17 rep., 6 Ed. 7 c. 38 (S.L.R.).*]

18. THAT where Decreits are past befor inferior Courts and craved to be suspended if the reasouns proceid not on iniquitie bot vpon alledgeance that the Decreit was in absence soe that the Craver of the Suspension hath nevir appeared or hath not continowed to defend while there was noe unjustice done then and in that caice he shall be obleidged at the passing of the bill of suspension to consigne in the hands of the Clerk of the Bills such soumes for the expences of the pairtie as the passer of the Bill shall appoint according to the importance of the Cause and the distance of the partie which shall be given vp to the pairtie Charger if the Suspender hath not Compeired or continowed to defend befor the inferior court as said is and that imediatlie at the calling of the cause to be discussed when the Compearance in the decreit may appear unles the suspender improve the executions of the summons whervpon the decreit did proceid

19. THAT Decreits in foro contradictorio befor the Lords of Sessioun be not again suspended vpon reasouns competent to have bein proponed or which wer repelled in the former Decreit And to the effect it may be knowne with the least expence what Decreits are in foro That the Keeper of the minute booke make vp a Booke of the Decreits in foro according as the same shall each day be given in to him by the Clerks expressing the names of all the defenders for whome their is Compearance . . . . And where there is once Compearance for any pairty and Defences proponed the Decreit shall be holdin as done in foro and all the dispute proponed by the Advocats shall be insert therin Albeit the advocat theraftir past from his Compearance . . . .

[*Art. 19 in part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

[*Arts. 20-24 rep., 6 Ed. 7 c. 38 (S.L.R.).*]

25. THAT because Processis are very much lengthened by the longe runing of ordinary and incident diligence and terms for production in Reductions and improbations ffor remeid wherof in tyme comeing there shall onlie be two diligences against Witnessis one by horneing and another by Caption and there shall be noe incident diligence sustained vpon acts bot where the same is craved and allowed at the pronouncing of the Act and expressed therin which shall proceed against the alledged havers of the writs first by horneing charging them to compear and produce vpon oath and next by Caption in case they doe not compear and depone and that there be onlie one terme for production in single reductions and two in improbations And that the clerks insert noe reservations in acts for production bot that all exceptions competent befor production be discussed before assigning of termes

[*Arts. 26–30 rep., 6 Ed. 7 c. 38 (S.L.R.).*]

31. IN respect severall persones being neither Advocats nor Advocats servants doe take vpon them undir the name of Agents to medle and negotiate in processes who are found to be of noe vse but burdensome to the Leidges That hereafter all the Agents be debarred the house and not permitted to negotiat in or mannage processes and recommends to the Lords of Session to sie the same punctuallie observed

32. THAT the Keipers of the generall registers of horneings and Inhibitions and of Seasings and Reversions as also the Keipers of these Registers in the severall shires in tyme coming be carefull to booke all horneings Inhibitions Interdictions Seasings Reversions and others registrat by them And that they make exaot minute bookes relateing to the saids Registers these of horneings Inhibitions and Interdictions containing the names Sirnames and designations of the Parties principall and Cautioners And these of seasings Reversions and others appointed by the act of Parliament to be registrat in that Register containing the names and designations of the pairties and the common designation of the Lordships Barrony or Tennendry of the severall lands mentioned in the writ And that the Clerk of Register or any whome he shall appoint every quarter of the yeir compare the minut bookes with the generall Registers and subscribe the Minute bookes at the collationing of the same And in the severall shires that the Shirreff Bailliff of the Regalitie or Royaltie or their deputies (with whome any two of the Justices of peace to be nominat by the whole meiting are allowed to be present) be appointed quarterlie videlicet vpon the first Tawsdayes of february May August and November to call for and take inspection of the saids Registers and of the minute bookes relateing therto and after collationing of the same that they with the saids two justices of peace if they be present subscribe the minute booke Certifieing the saids shirrefs and bailliffs if they doe not meit and compare the saids Registers at the severall times abovespecified They shall be lyable in the penaltie of One Hundred pounds scots for ilke faillye And Certifieing the Clerks if they shall not have the bookes in reddines at the forsaid times or if anie horneings Inhibitions Seasings Reversions and others forsaid then in their hands shall not be registrat in the bookes they shall incurr the pain of deprivation and be lyable in payment of the pairties damage . . . . And that all horneings and Inhibitions registrat in the shires be marked by the Keipers therof Conforme to the 21 act of the Parliament 1600 vndir the pains afoirsaid And that in the interim betuixt the collationing of the Bookes the Clerks shall be obleidged to keip a private minute booke for their own vse quhairin they are to insert a Note of all horneings Inhibitions Interdictions Seasings and Reversions as they are given in to be registrat And incase any be ommitted out of that minute-booke they shall incurr the pain of deprivation and be lyable to pay the pairties damage Whilke minute bookes respective forsaid alsweil for the space of fourtie yeires bygone as in tyme comeing the Clerk shall be obleidged to make patent to all his Maiesties leidges whensoever they shall desire to sie the same . . . .

[*Art. 32 in part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

[*Art. 33 rep., 6 Ed. 7 c. 38 (S.L.R.).*]

## Concerning the JUSTICE COURTS

SEING Causes Criminall are of the greatest importance and may extend to the lives and liberties of any of his Maiesties Subjects and their persones and fortunes And Seing the punishment of Crimes is of the greatest consequence for the safety and security of his Maiesties persone and authoritie and the Peace and Quietnes of the Kingdome And therfor matters Criminall ought to be determined in the most solemn exact and regular way that the Loyall and Innocent may be in full security and offenders may be punished either in the most publict places of the Kingdome or in the Places where the Crimes have bein committed to terrifie others from the like That whereas formerlie assessors from time to time wer appointed to the Justice generall in matters of Importance which being ambulatory cannot be soe convenient as if all the members of that Court wer settled and choysen by his Maiestie of fitt persones who might make it their worke to make a just and constant procedure in matters Criminall

1. FOR that effect that . . . the Lords of Session be joyned to the Justice-Generall and Justice-Clerk and all of them invested with the same and equall power and Jurisdiction in all Criminall Causes That the Justice-Generall being present preside and in his absence the Justice Clerk and in absence of both that these present elect one of their number to preside . . .

[*Art. 1 in part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

[*Art. 2 rep., 6 Ed. 7 c. 38 (S.L.R.).*]

3. THAT the persons to pas vpon Assizes be listed and their names and designations insert in ane Roll to be signed by the saids Judges or their Quorum

4. THAT for the splendour of that Court all the Judges sitt in red robes faced with white that of the Justice Generalls being lined with Ermine for distinction from the rest

[*Art. 5 rep., 6 Ed. 7 c. 38 (S.L.R.).*]

6. THAT it be left and recommended to the Judges of that Court to regulat the inferior officers therof and order every other thing concerning the said Court

7. THAT a convenient roome be appointed for their meittings Benches for the Judges a place for the Justice generall more eminent then the seats of the other Judges That the Advocats Clerk Assize and Pannells have distinct places appointed to them

8. THAT the Clerk of the Court nor noe other persones be present with the Assize aftir they are inclosed

[*Art. 9 rep., 6 Ed. 7 c. 38 (S.L.R.).*]

10. THAT in all criminall persuits the defender or his Advocats be allwayes the last speaker except in cases of Treason and Rebellion against the King

11. THAT when any Criminall libell or Summons of Exculpations are given and execute against any party that at the same time Lists of the witnessis to be adduced for proveing of the said lybell and summons . . . be also given to them To the effect the Party may know what to object against the saids witnessis . . . and may take furth diligences for summoning of witnessis for proving of their objections why any contained in the saids Lists should not be admitted to be a witness . . .

[*Art. 11 in part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

## Concerning the EXCHEQUER

[*Arts. 1-4 rep., 6 Ed. 7 c. 38 (S.L.R.).*]

## CAP. 45.

[1672, cap. 19.]

## ACT concerning Adjudications

THE Kings Maiestie . . . . Doth with advice and consent of his Estates of Parliament Statute and Ordaine . . . . that noe Compriseings shall be led in time comeing of any Lands or other rights which are not allreadie comprised . . . . It is allwayes heirby provided and declaired that . . . . it shall be leisum to the Creditor to adjudge all or any right belonging to his Debitor in the same maner as he might have apprised the same Conforme to the act of Parliament 1661 anent the payment of debts betuixt debitor and Creditor in all pointes vnder the reversion and with the power competent to others Creditors exprest in the said act And it is heirby Declaired that neither the Superior nor the Adjudger shall be prejudged by this Act bot that they shall be in the same case aftir citation in this Process of Adjudication as if appriseing wer led of the lands at that time and a charge given to the Superior thervpon . . . .

[In part rep., 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 47.

[1672, cap. 21.]

## ACT concerning the priviledges of the Office of Lyon King at Armes

OUR Sovereigne Lord Considering that albeit by the 125 Act of the 12 Parliament holdin by his Maiesties grandfather in the yeir 1592 the usurpation of Armes by any of his Maiesties leidges without the Authority of the Lyon King of Armes is expresly discharged And that in order therto Power and Commission is granted to the Lyon King of Armes or his Deputes to visite the whole Armes of Noblemen Barrons and Gentlemen and to matriculate the same in their Registers and to fine in One Hundreth pounds all others who shall unjustlie usurp Armes As also to Escheit all such goods and geir as shall have unwarrantable Armes ingraven on them Yet amongst the many irregularities of these late times very many have assumed to themselvis Armes who should bear none and many of these who may in law bear have assumed to themselvis the Armes of their cheiff without distinctions or Armes which were not caried by them or their predcessors Therefore His Maiestie with advice and consent of his Estates of Parliament Ratifies and Approves the forsaide act of Parliament And for the more vigorous prosecution therof Doth hereby Statute and Ordain that lettirs of publication of this present act be direct to be execute at the mercat cross of the heid Burghs of the Shires Stewartries Bailliaries of Royaltie and Regallitie and Royall Burrowghs chargeing all and sundry . . . . Noblemen Barons and Gentlemen who make vse of any Armes or Signes armoriall within the space of one yeir aftir the said publication to bring or send ane account of what Armes or Signes armoriall they are accustomed to vse and whither they be descendants of any familie the Armes of which familie they bear and of what Brother of the familie they are descended With Testificate from persones of Honour Noblemen or Gentlemen of qualitie anent the verity of their having and vseing those Armes and of their descent as afoirsaid to be delivered either to the Clerk of the Jurisdiction where the persones duells or to the Lyon Clerk at his office in Edinburgh at the option of the party vpon their receipts gratis without paying any thing therfore Which Receipt shall be a sufficient exoneration to them from being obleidged to produce again to the effect that the Lyon King of Armes may distinguish the saide Armes with congruent differences and may matriculat the same in his Bookes and Registers and may give Armes to vertuous and well deserving Persones and Extracts of all Armes expressing the blasoning of the Arms vnder his hand and seall of office . . . . And his Maiestie

hereby Dispenses with any penalties that may arise be this or any preceeding act for bearing Armes before the Proclamation to be issued herevpon And it is Statute and Ordained with consent forsaide that the said Register shall be respected as the true and unrepeallable rule of all Armes and Bearings in Scotland to remain with the Lyons office as a publick Register of the Kingdome and to be transmitted to his Successors in all tyme comeing And that whosoever shall vse any other Armes any manner of way after the expiring of year and day from the date of the Proclamation to be issued herevpon in maner forsaide shall pay One Hundred pounds money toties quoties to the Lyon and shall likewise escheat to his Maiestie all the moveable Goods and Geir vpon which the saids Armes are engraven or otherwise represented And his Maiestie with consent forsaide Declaires that it is onlie allowed for Noblemen . . . to subscribe by their titles And that all others shall subscribe their Christned names or the initial letter thereof with there Sirnames and may if they please adject the designations of their Lands prefixing the word Of to the saids designations And the Lyon King at Armes and his Brethren are required to be carefull of informing themselves of the contraveiners heirof . . . It is likewise hereby Declaired that the Lyon and his Brethren Heraulds are Judges in all such causes concerning the Malversation of Messingers in their office and are to enioy all other priviledges belonging to their Office which are secured to them by the Lawes of this Kingdome and according to former practice

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

# PARLIAMENT AT EDINBURGH, 28TH JULY 1681.

## CAP. 5.

[1681, cap. 5.]

### ACT concerning probative witnesses in writs and Executions

OUR Sovereigne Lord Considering that by the Custome introduced when writing was not so ordinary Witnesses insert in Writes although not subscriyving are probative witnesses And by their forgetfulness may easily dissowne ther being witnesses For remeid wherof His Maiestie with advice and Consent of the Estates of Parliament Doeth enact and Declare that only subscribing Witnesses in writs to be subscribed by any partie hereafter shall be probative and not the witnesses insert not Subscribing And that all such writs to be subscribed heirafter wherein the Writer and witnesses are not designed shall be null And are not supplyable by condescending vpon the Writer or the designation of the writer and Witnesses And it is farther Statute and Declaired that no witnes shall subscribe as witnes to any parties subscription Unles he then know that party and saw him Subscribe or saw or heard him give Warrant to a Nottar or Nottars to subscribe for him And in evidence thereof touch the Notars pen Or that the party did at the time of the witnesses subscribing acknowledge his subscription Otherways the saids witnesses shall be repute and punished as accessorie to forgerie And Seing Writting is now so ordinary His Majesty with consent foirsaid Doeth enact and Declare that no witnesses But subscribing witnesses shall be probative in Instruments of Sasine Instruments of Resignation Ad remanentiam Instruments of Intimation of Assignations Translations or Retrocessions to Bands Contracts or other writs which shall happen to be subscribed in any tyme heirafter And that none but subscriyving witnesses shall be probative in Executions of Messingers of Inhibitions of Interdictions Hornings or Arrestments And that no Execution whatsoever to be given hereafter shall be sufficient to infer Interruption of Prescription in real Rights Unles the same be done before witnesses present at the doing thereof subscribing And that in all the saids caices The witnesses be designed in the body of the write Instrument or

Execution respective Otherways the same shall be null and void And make no faith in Judgement nor outwith

## CAP. 12.

[1681, *cap.* 10.]

## ACT concerning wives Terces

OUR Sovereigne Lord Considering that somtymes through the ignorance and inadvertencie of some writters and Nottars Clauses are insert in Contracts of Marriage Containing Provisions by Husbands in favours of their Wives without mentioning the terce that is due to her by Law or expressing the Provision to be granted in satisfaction of the terce wherby occasion is given to Relicts to claime a terce out of their Husbands Estates by and attour the Provision conceived in their favours contrary to the meaning and intention of the Parties Contractors For remeed wherof the Kings Majestie with advice and consent of the Estates of Parliament Statuts and Ordains that in time coming wher ther shall be a particular Provision granted by an Husband in favours of his Wife either in a Contract of Marriage or some other write before or after the Marriage That the Wife shall be therby seclued from a Terce out of any Lands or annualrents belonging to her husband Unless it be expresselie provided in the Contract of Marriage or other write Containing the said Provision that the wife shall have right to a Terce by and attour the particular provision conceived in her favours . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 13.

[1681, *cap.* 11.]ACT concerning the registration of Sasines and Reversions  
of Tenements within Burgh

OUR Sovereigne Lord Considering the great security that this Kingdom enjoys by the publick Register of Sasines and Reversions Conform to the Sixteenth Act of the 22 Parliament of King James the Sixth holden in Anno 1617 And that ther is fully the like reason and benefite that the foresaid Statute should extend to the whole Kingdom as well to Burgh as Landward Therefore His Majestie with consent of his Estates of Parliament Statuts and Ordaines that in time coming All Instruments of Sasine of Tenements within Burghs Royal or Liberties or freedoms thereof holding in Burgage And all Reversions Regresses Bands or Writs for making Reversions or Regresses Assignations thereto discharges thereof Renunciations of Wodsetts and Grants of Redemption of the saids Tenements within Burgh or the liberties or freedoms thereof holding Burgage shall be insert in the Toun-Clerks books of the severall Burghs respective . . . . Excepting Reversions incorporat in the body of the right . . . . It is always declared that it shall not be necessary to insert any Bands or Writs for making of Reversions [or Regresses] unles Sasine pass in favours of the parties makers of the saids Bands and writes In the which case It is ordained that the same shall be insert . . . . The extract out of the which Register shall make faith in all cases Except wher the writs so insert are offered to be improven And if it shall happen any of the saids writs which are appointed to be insert as said is Not to be duly insert . . . . Then and in that case His Majestie with advice and consent foirsaid Decerns the same to make no faith in Judgement be way of Action or exception in prejudice of a thrid party who hath acquired a perfect and lauful

right to the saide tenements But prejudice always to them to use the saide writs against the Parties makers thereof their heirs and successors . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 79.

[1681, cap. 13.]

ACT concerning Declinators

OUR Sovereigne Lord Considering that by the 112 Act 14 Parliament of King James the Sixth It is expressly statute and Ordained that no Senatour of the Colledge of Justice ordinary or extraordinary shall sit or vote in the Causes of their Father Brother and Son Doeth with advice and consent of his Estates of Parliament Statute and Ordain that this Declinatour shall for the future be farder extended to degrees of Affinity as well as Consanguinity So that in all time coming No Senatour of the Colledge of Justice Ordinary or Extraordinary shall sit or vote in Causes wher the pursuer or defender is either ffather Brother or Son in Law to him And also that he shall not sit or vote in any cause where he is Uncle or Nephew to the Pursuer or Defender And it is heirby declared that this Act shall be extended to the Lords of Privy Council and Exchequer And the Commissioners of the Justiciary And to all other Judges and Judicatures in the Kingdom who may be declined wher they are related to the party pursuer or Defender in the Degrees foresaids

---

CAP. 82.

[1681, cap. 16.]

ACT concerning the Jurisdiction of the Admiral Court

OUR Sovereigne Lord Considering that the clearing and establishing the Jurisdiction of the high Admiral of this Kingdom will greatly tend to the advancement and encouragement of trade and Navigation Therefore his Majestie with advice and consent of the Estates of Parliament Doeth ratifie and approve the 15 Act of the 20 Parliament of King James the Sixth in the whole heads Clauses and Articles of the same And decernes and declares the high Court of Admiralty to be a Sovereigne Judicature in itself and of its own nature to import Summar Execution And Statuts and Declares that the said High Admiral As he is his Majesties Leivetenent and Justice General upon the Seas And in all Ports harbours or Creiks of the same and upon fresh waters or Navigable Rivers below the first Bridges or within the flood marks so far as the same does or can at any time extend So the said High Admiral hath the sole priviledge and Jurisdiction in all maritim and sea-faring causes forreigne and domestick whether Civil or criminal whatsoever within this Realme And over all Persons as they are concerned in the same And prohibits and discharges all other Judges to medle with the decision of any of the saids causes in the first instance . . . And statuts ordains and declares that it is the priviledge of the said High Admiral to cause parties become enacted and find Caution not only for Compearance but for Performance of the Acts and sentences of his Court And that he may punish all breakers of his Arreistments and resisters of his officers in the execution of his precepts and apply the fynes and amerciements to his own use Conform to the Laws of the Kingdom And Farther statuts and Declares that the high Court of Admiraltie is a Supream Court And that the Decreits and Acts of all other inferiour Courts of Admiraltie Are subject to the review and Reduction of the said High Court of Admiraltie . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 83.

[1681, *cap.* 17.]

## ACT concerning the Sale of Bankrupts Lands

OUR Sovereigne Lord Considering that when the Estates and Lands of Bankrupts are affected with Adjudications Comprisings and other real rights exceeding their value It oftimes falls out that the Creditors doe not agrie to sell the Lands wherby such as have small sums upon such Securities cannot command any pairt therof And such Estates doe oftimes become ineffectuall to many Creditors Therefore His Majestie with consent of his Estates of Parliament Doeth authorize and Impower the Lords of the Session (upon a Proces at the instance of any Creditor having a real right) To cognosce and try the value of such Estates wher the Heretor is notoriously Bankrupt and the Creditors in possession of the Estate And to Value the same According to the true worth thereof in its rents casualities rights and Holdings According to the use and custom of the Country where the Lands ly And to commissionat persons to sell these Lands and Estate or any pairt thereof at the saids rates or more as can be had for the same . . . . And ordains the said Sale to be by a publick roup not being under the rate and price appointed by the Lords of Session And that the roup be made after publick Intimation . . . . Which . . . . shall specially express the time and place of the Roup . . . . Which alienation so made and reported to the Lords And by their Warrant registrat in the books of Councill and Session His Majestie with consent foresaid Declares to be as effectual upon payment of the price as if the same were made by the Debitor And all the Appryses Adjudgers or other Creditors who are so cited and have any Rights affecting the saids Lands And that a Signature shall pass thereupon in Exchequer and a warrant for charging the Superiour to enter the purchaser upon payment of a yeers Rent Declaring always that the price quibich shall be gotten for the saids Lands Conform to the roup shall be distribut by the Commissioners appointed to sell the Lands or by the purchaser of the same amongst the Creditors proportionallie According to their severall Sums rights and diligences As they are or shall be ordored and found preferable by the saids Lords Whether the saids Creditors have compeared or not

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*.)]

## CAP. 85.

[1681, *cap.* 19.]

## ACT concerning the Oaths of Minors.

OUR Sovereigne Lord and Estates of Parliament taking to their serious Consideration the great abuses which may be committed against Minors within twenty one yeers of Age compleat by causing them Subscribe Bonds of borrowed money Contracts of Alienation of their Lands Dispositions Discharges and other writes of Importance and ratify the same by Oath swearing that they shall never come in the contrary thereby depriving them of all the benefite of Revocation Reduction and Restitution In Integrum allowed to them by the Laws of this Kingdom wher such Oaths are not made It is therefore Statute and ordained by the Kings Majesty with advice and consent of the saids Estates That no such Oaths shall be exacted in time coming And in caice of Contravention Declares the Contract to be void and null and that no Execution shall pass therupon And declares the Elicitor or Exacter of the oath to be Infamous And it is hereby declared that it shall be competent to any person related to the Minor to obtain the saids Writes to be declared void and null by way of Action exception or Reply

## CAP. 86.

[1681, *cap.* 20.]

## ACT concerning Bills of Exchange

OUR Sovereigne Lord Considering how necessary it is for the flourishing of Trade That Bills or Letters of Exchange be duly payed and have ready Execution conform to the custom of other parts Doeth therefore with advice and consent of his Estates of Parliament Statute and Ordain that in case of any forraigne Bill of Exchange from or to this Realm duly protested for not acceptance or for not payment The said Protest having the Bill of Exchange prefixed shall be registrable within Six moneths after the date of the said Bill in case of Non-acceptance or after the falling due thereof in case of non-payment in the books of Councill and Session or other competent Judicatures at the instance of the person to whom the same is made payable or his order either against the Drawer or Indorser in case of a protest for non-acceptance Or against the Acceptor in case of a protest for Non-payment to the effect it may have the authoritie of the Judges thereof interponed therto That Letters of Horning upon a simple charge of Six dayes and other executorials necessary may pass therupon for the whole Sums contained in the Bill as well exchange as principall in form as effeirs Sicklike and in the same manner as upon Registrat Bonds or Decreets of Registration proceeding upon consent of parties Providing always that if the saids Protests be not duly Registrat within Six Moneths in manner above provided Then and in that case The saids Bills and protests are not to have summar execution but only to be pursued by way of Ordinary Action as accords And Farther It is hereby Statute and Enacted that the Sums contained in all Bills of Exchange bear annualrent in case of not acceptance from the date thereof And in case of Acceptance and not payment from the day of their falling due ay and while the payment thereof And Farther His Majesty with advice foresaid hereby declares That notwithstanding of the foresaid summar Execution provided to follow upon Bills of Exchange for the Sums therein contained in manner above specified Yet it shall be leisom to the party charger to pursue for the Exchange if not contained in the saids Bills with re-exchange dammage Interest and all expences before the Ordinary Judge or in cais of Suspension to eek the same to the Charge at the discussing of the said Suspension To the effect that the same may be liquidat and Decreet given therefore either against the party principal or against him and his Cautioners as accords

## CAP. 108.

[*Not in 12mo Edition.*]

ACT for rectification of valuations of the Shires and declaring Coal and Salt not to bear any part of the supplie

. . . . it is hereby declared that Coal and Salt is not to bear any pairt of the supplie . . . .

[*In part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

## ACTA PARLIAMENTORUM REGIS JACOBI SEPTIMI.

PARLIAMENT AT EDINBURGH, 23RD APRIL 1685.

### CAP. 14.

[1685, *cap.* 14.]

ACT explaining the nyynth act of the Parliament 1669 concerning Prescriptions

OUR Sovereigne Lord Considering that at making of the nyynth act of the first Session of the second Parliament of King Charles the Second Concerning Prescriptions In that part of it Relating to actions proceeding upon warnings Spulyies Ejections arreistments or for Ministers Stipends and others forsaid the cases that existed before that act were not taken into consideration Therfor His Majesty with consent of His Estates of Parliament Statuts and ordains that all such actions proceeding upon any diligence mentioned in that act already intended either before the said Act 1669 [or since] shall prescrive within fyve yeares after the Date of this act if they be not wakned within that time and all Actions to be raised heirafter upon the forsaid grounds shall prescryve in fyve yeares if they be not wakned within that time And his Majesty wills and Declares the forsaid nyynth act to stand in full force as to the rest of the Tenor therof

### CAP. 15.

[1685, *cap.* 15.]

ACT explaining the tenth act of the Parliament 1669 anent Interruptions

OUR Sovereigne Lord Considering that the clause concerning citations used for interruptions mentioned in the tenth act of the first Session of the Second Parliament of King Charles the Second Hath left the case of such citations before the said Act undetermined His Majesty therfor with consent of His Estates of Parliament Statuts and Ordains that all citations used for interruptions preceeding that act shall prescryve within Seven yeares after the Date of this act if they be not renewed within that time And further Statuts and Ordains that in citations for interruptions As to the Rights of Lands and Waknings therof Copsy of the citations shall be affixed on the most patent Door of the Paroch Church and that over and beside what is required by the said Act anent these executions

### CAP. 26.

[1685, *cap.* 22.]

ACT concerning Tailyies

OUR Sovereigne Lord with Advice and Consent of His Estates of Parliament Statuts and Declares That it shall be Lawfull to His Majesties Subjects to Tailyie their Lands

and Estates and to Substitut aires in their Tailies with such Provisions and Conditions as they shall think fitt and to affect the saids Tailies with Irritant and Resolutive clauses wherby it shall not be Lawfull to the Airs of Tailie to sell annalyie or Dispone the saids Lands or any part therof or Contract Debt or Doe any other Deed wherby the samen may be apprised adjudged or evicted from the others Substitute in the Tailie or the Succession ffustrat or interrupted Declaring all such deeds to be in themselves null and Void and that the next Air of Tailie may immediatly upon the contravention pursue declarators Therof And Serve himself air to him who died last infett in the fee and did not contraveen without necessity anyways to represent the Contraveener It is allways Declared that such Tailies shall only be allowed in which the forsaide Irritant and Resolutive clauses are insert in the Procuratorys of Resignation Charters precepts and instruments of Seasine And the Original Tailie once produced before the Lords of Session judicially who are hereby ordained to interpose their authority therto and That a Record be made In a particular Register Book to be kept for that effect Wherin Shall be Recorded the Names of the Maker of the Tailie and of the aires of Tailie and the Generall Designations of the Lordships and Barronies And The Provisions and Conditions contained in the Tailie With the forsaide Irritant and Resolutive clauses Subjoynd therto to remain in the said Register ad perpetuum Rei memoriam . . . and being so insert His Majesty with advice and consent forsaide Declares the samen to be Reall and effectuall not only against the Contraveeners and their aires but also against their creditors Comprysers adjudgers and other Singular Successors Whatsoever whither by Legall or conventionall titles . . .

[*In part rep.*, 1690 c. 104 and 6 Ed. 7 c. 38 (S.L.R.).]

#### CAP. 35.

[1685, *cap.* 28.]

#### ACT and Commission for Plantation of Kirks and Valuation of Tiends

FORASMUCH As His Majestys Father of ever blessed memory out of His Royall care and Zeale for the Reformed Religion within this Kingdom and maintinance and provision of the ministry and Churches therof and the peace of the Kingdom and for preventing and setleing all Differences that did or might arise betuixt titulars and others having Right to teinds And Heretors concerning the Leading and Drawing of their tiends And immediatly after His attaining and Succeeding to the Crown Gave furth and emitted His Royall Declaration anent the premisses and the other particulars therein specified and in pursuance of the Ends forsaids, diverse Laws and acts of Parliament were made in the Year of Our Lord 1633 His said Majesty being then present in his Royall Person and since diverse acts of Parliament and Commissions have been made given and renewed to that purpose and particularly by the fifteenth act of the third Session of the Second Parliament of King Charles the Second His Majestys umquihle Royall Brother of ever blessed memory And his Majesty being resolved and desirous to prosecute so Good a Work for the universall good of His Subjects and especially for the encouragement of the Ministers of the Gospel Therfor His Majesty with advice and Consent of His Estates of Parliament Gives full power and Commission to His Majestys Officers of Estate for the time being And to the Archbishop of St. Andrews The Archbishop of Glasgow The Bishop of Edinburgh The Bishop of Dunkeld The Bishop of Galloway the Bishop of Isles The Bishop of Brechin The Bishop of Dumblane The Bishop of Aberdeen The Duke of Hamilton The Marquess of Douglas The Earle of Erroll The Earle of Marischal The Earle of Marr The Earle of Strathmore The Earle of Linlithgow The Earle of Southesk the Earle of Tweeddale the Earle of Balcarres The Lord President of the Session The Lord Pittmedden The Lord forret the Lord Reidfoord The Lord Boyn the Lord Drumcairn The Lord Balcaskie Sir William Bruce of Kinross Sir George Lockhart of Carnwath Sir Archbald Cockburn younger of Langtoun Hugh Wallace of Inglisoun Sir George Drummond

of Milnab Charles Murray of Hadden Alexander Miln of Carridden Sir Alexander Bruce of Broomhall Sir Patrick Murray James Johnston Provost of Glasgow Mr Robert Innice writter to the Signet Sir George Skeen Provost of Aberdeen James Fletcher burges of Aberdeen John Dempster of Pitliver Or any eleven of them to be a Quorum wherof tuo of every Estate to meet and convene at Edinburgh the day of yeares and such other place or places times or dyets as they shall appoint to value and cause be valued whatsoever tiends Great or Small Personage or Vicarage within this Kingdom which are yet unvalued Declaring that where the Vicarage of any paroch is a severall benefice and title from the Personage the same shall be severally valued to the effect the Titulars or Ministers serving the cure having right to the said Vicarage be not frustrat of the true worth thereof With power to the saids Commissioners or Quorum forsaid to appoint Committees or Sub Committees of their own number and to Grant Subcommissions and to receive Reports from them and to approve or disapprove of the same as they shall find just and to rectifie whatsoever valuations led or to be led to the enorm prejudice of the Titulars or to the hurt and detriment of the Church and prejudice of the ministers maintenance and provisions Provying allways Lykas it is hereby expressly provyded and declared That where valuations are lawfully led against all persons having interest and allowed by former Commissions The same shall not be drawn in question nor rectified upon pretence of enorm lesion at the instance of the Minister (not being titular) or at the instance of His Majestys Advocat in respect of His Majestys annuity except it can be proven that Collusion was used betuixt the Titulars and Heretors or betuixt the Procurator fiscall and the Heretors and titulars Which collusion is declared to be when the valuations are led with the diminution of the third part of the just rent Which Diminution shall be proven by the parties oath and with power to the saids Commissioners or Quorum foresaid where Ministers are not already sufficiently provyded or have not Localitys already Assigned to them for their Stipends out of the tiends within the paroch where they serve the cure In so far as the same will amount to according to the Quantities Proportions and Rules contained in the nynteenth Act of the Parliament 1633 to Modifie settle and appoint Constant Local Stipends to each minister out of the tiends of the paroch where they serve the cure With power also to the saids Commissioners to grant recompence by prorogation of Tacks to parties for all augmentations of Stipends which are granted since the year 1630 or shall be granted and that effeiring to the augmentations of Stipends which ar granted already or to be granted as the saids Commissioners shall think fit And Sicklike to Disjoyn too Large and Spacious Paroches to cause erect and build new Churches to annex and Dismember Churches as they shall think Convenient and to take order that every Heretor and Liferenter shall have the leading and buying of their own tiends if they be willing according to the rules prescribed by the nynteenth act and Commission Granted by His Majesty with consent of His Estates of Parliament in anno 1633 And the acts of Parliament therin mentioned With power to determine all Questions concerning the prices of Tiends betuixt titulars and others having Right therto and the Heretors And to appoint such Securitys in favours of Titulars and others having right to tiends for their prices to be granted to the Heretors and others lyable in payment of Valued Duties or buyers of the saids teinds and in favours of the Ministers as to their maintenance as the saids Commissioners shall think fitting according to the Rules set down in the said Act 1633 And each Heretor whose tiends belongs to Titulars of Erection to have power and liberty to buy the tiends of His own Lands whither valued or not within the space of three yeares after the date of this act With this Declaration allways that in case the impediment during the time forsaid flow from the titular by reason of His Minority or other Inability In that case the heretor who offered to buy his own tiends within the space forsaid shall have place so soon as the Impediment is removed to buy his tiends Notwithstanding of the expyryng of the yeares and space above exprest And it is Declared that if the Heretor be minor and his tutor neglect the buying of his tiends within the forsaid space the minor shall have action for two yeares after His Minority to compell the titular to sell his saids teinds And Generally with power to the saids Commissioners to decide and determine in all other points which may concern the Drawing or Leading of tiends the Selling or buying of the same or payment of the Rates thereof contained in the former acts of Parliament or

set down in the Generall Determination given out by His Majestys Royal ffather of Blessed memory and if any person or persons shall find themselves Grieved and complain of the Injustice or exorbitancy of any Decreets or Sentences given in any of the Commissions during the time of the late troubles with power to the saids Commissioners to take the same to their consideration and alter annull or allow the saids Decreets and Sentences as they shall find just And it is allways provyded and Declared that the Archbishops and Bishops and other beneficed persons being ministers and their Successors shall not be prejudged of the Rents wherof their predecessors were in actual and real possession and which by the Laws of the Kingdom were due to them in Anno 1637 or wherof they are presently in possession and that they shall be no further bound but according to the provisions and conditions exprest in the submissions made by the Bishops to his Majestys Royal ffather of blessed memory of the date the                      day of                      1628 yeares and Registrat in the Books of Commission for Surrenders and tiends upon the fifteenth day of July 1631 And whereas it may fall out that some of the saids Commissioners may be unable to attend the Service throw Death Sickness or other known Impediment Therfor His Majesty Declares that he shall be carefull to fill their places with other persons qualified whose oaths (for faithfull Discharging of the same) shall be taken by the Lord Chancellor or in his absence by the Lord President of the Commission for the time And ordains this present Commission to endure ay and while the same be Discharged by His Majesty And the acts Decreets and Sentences therof to have the force Strenth and Effect of a Decreet or Sentence of Parliament And the Lords of Session to Grant Letters of Horning poynding and other necessars to be direct upon the saids Decreets and Sentences in maner contained in the forsaid Commissions And His Majesty with consent forsaid hereby discharges all former Commissions declaring the same to be expyred

## CAP. 40.

[1685, *cap.* 35.]

## ACT anent Messengers Fees

OUR Sovereigne Lord with advice and Consent of The Estates of Parliament Statut and Ordain that it shall be in the power of the Sheriffs Stuarts Baillies of Regalitys Justices of Peace and Magistrate of Burghs Royall respective within whose bounds any Legall Diligences shall be used to modifie the prices and charges craved by Messengers for execution of their offices from any of His Majestys Leiges upon the Complaint of the parties either for or against whom the Messengers were employed

## CAP. 56.

[1685, *cap.* 43.]

## ACT in favours of the Inhabitants of Orkney and Zetland

OUR Sovereigne Lord Considering the great distance of the Islands of Orkney and Zetland from the town of Edinburgh the ordinary place of Justice And the Uncertainty of passage by Sea and the many fresh waters and other ferries in the way by Land Doth with advice and consent of His Estates of Parliament Statut and Ordain that all Summons to be intended against the Inhabitants of Orkney and Zetland before the Lords of Privy Council the Lords of Session and before the Commissioners of Justiciary and Letters of horning and Lawborrows upon their Decreets Or by their warrand Shall be execute in time coming upon fourty days but prejudice allways of Letters to be raised upon writts Registrated of consent of parties where by the clause of Registration the party consents that execution should pass on a shorter time

## PARLIAMENT AT EDINBURGH, 29TH APRIL 1686.

## CAP. 4.

[1686, *cap.* 3.]

ACT ordaining Interlocutors to be subscribed by the Judges

OUR Sovereigne Lord with advice and Consent of the Estates of Parliament Statute and ordaines That from and after the first of November next all interloquitors pronounced by the Lords of Councill and Session and all other Judges within the Kingdome shall be signed by the President of the Court or the Judge Pronouncer therof And his Majesty with advice forsaide prohibites and discharges the Clerks upon ther perill to extract any acts or decreets unless the interloquitors which are the warrands therof be signed as said is declaring hereby the extracts which shall be given out otherways to be void and null

## CAP. 5.

[1686, *cap.* 4.]

ACT ordaining all executions to be subscribed by the witnesses  
without necessity of stamping

OUR Sovereigne Lord with advice and Consent of his Estates of Parliament Statute and ordaines That in tyme coming all Citations befor the Lords of Session and Citations befor any other Judges Civil or Criminal which formerly by Law or custome used to be in writt and all executions of letters of horning inhibition and others whatsomever be subscribed by the executor therof and the witnesses therto Otherways to be null and void And that the same shall not be quarrellable for the want of stamping any Law or Practique to the contrar Notwithstanding

## CAP. 21.

[1686, *cap.* 11.]

ACT for Winter herding

OUR Sovereigne Lord Considering the prejudice and damage which the Lieges doe sustaine in their planting and inclosures through the not herding of nolt sheep and other bestial in the winter tyme wherby the young trees and hedges are eaten and destroyed Doeth with advice and Consent of his Estates of Parliament Statute and ordaine that all heretors liferenters tenents Cotters and other possessors of Lands or houses shall Cause herd their horses nolt sheep suyne and goats the wholl year also weell in winter as in summer And in the night tyme shall Cause keep the same in houses folds or inclosures soe as they may not eat or destroy their nighboures ground woods hedges or planting Certifieing such as Contraveen they shall be lyable to pay halfe a merk toties quoties for ilke beast they shall have going on their nighboures ground by and attour the damage done to the grass or planting And Declares that it shall be lafull to the heretor or possessor of the ground to detain the said beasts untill he be payed of the said halfe merk for ilke beast found upon his ground and of his expences in keeping of the same And this but prejudice of any former acts of Parliament made against destroyers of planting and inclosures

## CAP. 29.

[1686, *cap.* 17.]

## ACT for writeing Sasines be way of book

OUR Sovereigne Lord takeing into his Consideration That Seasings doe extend to great length by reasone of inserting and repeating of the wholl provisions of the Chartor therein Therfor his Majesty with advice and Consent of his Estates of Parliament for the more easy and commodious perusal therof Statuts and Ordaines that it shall be lafull for Pairties if they think fitt to cause wreat and extend their sasings by way of book The attestation of the notar Condescending upon the number of the leaves in the book and each leafe being signed by the notar and witnesses to the giving of the seasing And Ratifies all seasins already written by way of book by warrand of his Majesties Privy Councill

## CAP. 30.

[1686, *cap.* 18.]

## ACT appoynting the Publication of the testimonies of witnesses

OUR Sovereigne Lord Considering how much it does import and Concerne the good and interest of his Majesties Lieges and the due administration of Justice that witnesses be distinctly and fully examined and ther depositions written in plaine and clear words as they are given Therfor his Majesty with Advice and Consent of the Estates of Parliament Statuts and Ordaines that in all processes presently depending or to be intended befor the Lords of Privy Council Lords of Session and all other Judges within this Kingdome the witnesses who are made use of and adduced therein shall be examined in presence of the Pairties or their advocates They being present at the dyets of examination And that ther be publication of the testimonies of the witnesses in the Clerks hands allowed to the Pairties Gratis befor adviseing to the effect Pairties may have Copies therof If they think fitt Any Law or act of Parliament Custome or usage to the Contrar notwithstanding

## CAP. 33.

[1686, *cap.* 19.]

## ACT anent the Registration of Sasines and Reversions

. . . . his Majesty with advice and Consent of his Estates of Parliament . . . . to the effect that all deputs intrusted with the Care and keeping of the Registers may faithfully doe and execute their office . . . . Statutes and ordaines That in caice by their omission or negligence any wreats presented to them and marked with their hands to be registrat shall not be found booked and insert in the Register The saids deputs guilty of such omission and negligence shall be punishable as forgerers of the publict Registers and records and shall be lyable in damage and prejudice to any pairtie who shall be prejudged by the said omission or negligence And his Majestie with advice forsaide Statutes ordaines and declares that thir presents shall no ways derogat from the Sexteinth act of the 22 Par: K: J: the 6th entituled Act anent the Registration of Reversions Sasines and other wryts which shall remaine in its full force and strength in all poynts as befor the makeing of this present act

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*.)]

## CAP. 34.

[1686, cap. 22.]

## ACT and Commission for plantation of Kirks and Valuation of Teynds

FORASMUCH as his Majesties father of ever blissed memory out of his Royall Care and Zeall for the Reformed Religion within this Kingdom and the mantainance and provision of the ministry and Churches thereof and the Peace of the Kingdome and for preventing and setling all differences that did or might arise betuixt Titulars and others having right to teynds and heretors Concerning the leading and drawing of their teynds And immediatly after his attaining and succeeding to the Croun gave furth and emitted his Royall declaration anent the premisses and the other particulars therein specified And in pursuance of the ends forsaide divers Lawes and acts of Parliament wer made in the year of our Lord 1633 His said Majestie being then present in his Royall person And since diverse acts of Parliament and Commissions have been made given and renewed to that purpose and particularly by the 15th act of the 3rd session of the second Parl: K: Ch: the 2nd his Majesties unquhill Royall brother of ever blissed memory And his Majestie being resolved and desirous to prosecute so good ane work for the universal good of his subjects and Especially for the encouragment of the ministers of the Gospell Therfor his Majesty with advice and Consent of his Estates of Parliament Gives full pouer and Commission to his Majesties officers of Estate for the tyme being

or any thertein of them to be ane Quorum whereof thrie of every State with one of the officers of State to meet and convene at Edinburgh the day of years and such other place or places tymes or dyets as they shall appoynt To value and Cause be valued whatsomever teynds great or small personage or viccarage within this Kingdom which are yet unvalued Declaring that where the viccarage of any paroch is a severall benefice and title from the Personage the samen shall be severally valued To the effect the titulars or ministers serving the Cure haveing right to the said viccarage be not frustrated of the true worth thereof with pouer to the saids Commissioners or quorum forsaide to appoynt Committies or sub-Committies of their own number and to grant subcommissions and to receive reports from them and to approve or disapprove the same as they shall find just And to rectifie whatsoever valuations led or to be led to the enorme prejudice of the titulars or the hurt and detriment of the Church and prejudices of the ministers mantainance and provisions Provideing always Lykeas It is hereby expressly provided and declared That where valuations ar lauffully led against all persones haveing interest and allowed by former Commissiones The same shall not be drawn in question nor rectified upon pretence of enorme lesion at the instance of the minister (not being titular) or at the instance of his Majesties advocat in respect of his Majesties annuity Except it can be proven that Collusion was used betuixt the titulars and heretors, or betuixt the procurator fiscall and the heretors and Titulars which Collusion is declared to be when the valuations are led with the diminution of the third part of the just rent Which diminution shall be proven by the Pairties oath and with pouer to the said Commissioners or Quorum forsaide where ministers are not already sufficiently provided or have not Localities already assigned to them for their stipends out of the teynds within the paroch where they serve the Cure According to the quantities proportions and Rules Contained in the 19th act of the Parl: 1633 To modifie settle and appoynt constant local stipends to each minister out of the teynds of the paroch where they serve the Cure With pouer also to the saids Commissioners to grant recompence by prorogation of tacks to pairties for all augmentations of stipends which are granted since the year 1630 or shall be granted and that effeirand to the augmentations already granted or to be granted as the saids Commissioners shall think fitt And sicklyk to disjoyne too large and spacious

paroches To cause erect and build new churches to annex and dismember Churches as they shall think convenient And to take order that every heretor and liferenter shall have the leading and buying of their own teyndes if they be willing according to the Rules prescribed by the 19th act and commission granted by his Majesty with Consent of his Estates of Parliament in anno 1633 and the acts of Parliament therein mentioned with power to determine all questions Concerning the pryces of teyndes betuix Titulars and others haveing ryght therto and the heretors And to appoynt such securities in favors of titulars and others haveing right to Teynds for their pryces to be granted to the heretors and others lyable in payment of valued duties or byers of the saids teyndes and in favors of the Ministers as to their mantainance, as the saids Commissioners shall think fitting According to the rules sett down in the said act 1633 and each heretor whose teyndes belongs to Titulars of erection to have power and Liberty to buy the teyndes of his own Lands whither valued or not within the space of thrie years after the date of this act with this declaration alwayes That in caise the impediment dureing the tyme forsaide flow from the titular by reason of his minority or vther inability In that caise the heretor who offered to buy his own teyndes within the space forsaide shall have place soe soon as the impediment shall be removed to buy his teyndes notwithstanding of the expyreing of the years and space after exprest And it is declared that if the heretor be minor and his tutor neglect the buying of his teyndes within the forsaide space the minor shall have action for two years after his minority to compell the Titular to sell his teyndes and generally with power to the saids Commissioners to decide and determine in all other poynts which may concerne the drawing or leading of teyndes the selling or buying of the same or payment of the rates therof contained in the former acts of Parliament or sett down in the generall determination given out by his Majesties Royall father of blissed memory And if any persone or persones shall find themselves greaved and Complaine of the injustice and exorbitancie of any decret or sentence given in any of the Commissions dureing the tyme of the late troubles With power to the saids Commissioners to take the same to their Consideratione and alter annull or allow the saids decreets and sentences as they shall find just And it is always provided and declared That the Arch-bishops and Bishops and other benificed persons being ministers and their Successors shall not be prejudged of the Rents quhairof their predecessors wer in Reall and actuall possession And which by the Lawes of the Kingdom wer due to them in anno 1637 or whereof they are presently in possession And that they shall be no further bound but according to the conditions and provisions exprest in the submissions made by the bishops to his Majesties Royall father of blissed memorie of the date the                    day of                    1628 and registrat in the books of Commission for Surrenders and teyndes upon the fifteynth day of July 1651 And whereas it may fall out that some of the Commissioners may be unable to attend the service through death sicknes or other known impediment Therfor His Majesty declares that he shall be Carefull to fill their places with other persons Qualified Who's oaths (for faithfull dischargeing of the same) shall be taken by the Lord Chancellor or in his absence by the Lord President of the Commission for the tyme and ordaines this present Commission to endure ay and whill the same be discharged by his Majestie And the acts decreets and sentences thereof To have the force strength and effect of ane decret or sentence of Parliament And the Lords of Session to grant lettres of horning poynding and others necessar to be direct upon the saids decreets and sentences in maner contained in the forsaids Commissions And his Majesty with consent forsaide hereby discharges all former Commissions declareing the same to be expyred

# ACTA PARLIAMENTORUM GULIELMI ET MARIÆ.

CONVENTION AT EDINBURGH, 14TH MARCH 1689.

CAP. 28.

[1689, *cap.* 13.]

THE Declaration of the Estates of the Kingdom of Scotland containing the Claim of Right and the offer of the Croune to the King and Queen of England

WHEREAS King James the Seventh Being a profest papist did assume the Regall power and acted as King without ever takeing the oath required by law wherby the King at his access to the government is obliged to swear To maintain the protestant religion and to rule the people according to the laudable lawes And Did By the advyce of wicked and evill Counsellors Invade the fundamentall Constitution of this Kingdome And altered it from a legall limited monarchy to ane Arbitrary Despotick power and in a publick proclamation asserted ane absolute power to cass annull and dissable all the lawes particularly arraigning the lawes Establishing the protestant religion and did Exerce that power to the subversion of the protestant Religion and to the violation of the lawes and liberties of the Kingdome

BY Erecting publick schooles and societies of the Jesuites and not only allowing mass to be publickly said But also inverting protestant Chappells and Churches to publick Mass houses Contrair to the express lawes against saying and hearing of Mass

BY allowing popish bookes to be printed and dispersed by a gift to a popish printer designeing him Printer to his Majesties househould Colledge and Chappell Contrair to the lawes

BY takeing the children of Protestant Noblemen and gentlemen sending and keeping them abroad to be bred papists makeing great fonds and dotationes to popish schooles and Colledges abroad bestowing pensiones upon preists and perverting protestants from ther Religion by offers of places preferments and pensiones

BY Dissarmeing protestants while at the same tyme he Employed papists in the places of greatest trust civil and military such as Chancellor Secretaries Privie Counsellors and Lords of Sessione thrusting out protestants to make roome for papists and Intrusting the forts and magazins of the Kingdome in ther hands

BY Imposing oathes Contrair to law

BY Giveing gifts and grants for exacting money without consent of Parliament or Conventions of Estates

BY levying or Keeping on foot a standing army in tyme of Peace without Consent of Parliament which army did exact localitie free and dry quarters

BY Employing the officers of the army as Judges through the Kingdome and Imposing them wher ther were heretable offices and jurisdictiones by whom many of the leidges were put to death summarly without legall tryall jury or record

BY imposing exorbitant fines to the value of the parties Estates exacting extravagant Baile and disposing fines and forefaultors before any process or Conviction

BY Imprisoning persons without expressing the reasons and delaying to put them to trial

BY Causing pursue and forefault several persons upon stretches of old and obsolete laws upon frivolous and weak pretences upon lame and defective probationes as particularly the late Earle of Argyle to the scandal and reproach of the justice of the Nation

BY Subverting the right of the Royal Burghs The third Estate of Parliament imposing upon them not only magistrates But also the whole town Council and Clerks contrary to their liberties and express chartours without the pretence either of sentence surrender or consent so that the Commissioners to Parliaments being chosen by the magistrates and Council The King might in effect aswell nominate that entire Estate of Parliament and many of the saids magistrates put in by him were avowed papists and the Burghes were forced to pay money for the letters Imposing these illegal magistrates and Councils upon them

BY Sending letters to the chief Courts of Justice not only ordaining the Judges to stop and desist sine die to determine causes But also ordering and Commanding them how to proceed in cases depending before them Contrary to the express laws and by changing the nature of the Judges gifts ad vitam aut culpam and giving them Commissions ad beneplacitum to dispose them to compliance with arbitrary Courses and turning them out of their offices when they did not comply

BY granting personall protectiones for civill Debts contrary to Law

ALL which are utterly and directly contrary to the known laws statutes and freedoms of this realme

THEREFOR the Estates of the kingdom of Scotland Find and Declare That King James the Seventh being a profest papist Did assume the Regall power and acted as king without ever taking the oath required by law and hath by the advice of Evil and wicked Counsellors Invaded the fundamentall Constitution of the Kingdome and altered it from a legally limited monarchy To an arbitrary despotick power and hath Exercised the same to the subversione of the protestant religion and the violation of the laws and liberties of the Kingdome inverting all the Ends of Government whereby he hath forfeited the right to the Crowne and the throne is become vacant

AND whereas His Royall Highness WILLIAM then Prince of ORANGE now King of England whom it hath pleased Almighty God to make the glorious instrument of delivering these Kingdomes from Popery and arbitrary power did By the advice of severall Lords and Gentlemen of this Nation at London for the tyme call the Estates of this Kingdome to meet the fourteenth of March last In order to such an Establishment as that their Religion laws and liberties might not be again in danger of being subverted And the saids Estates being now assembled in a full and free representative of this Nation Takeing to their most serious Consideratione the best means for attaining the ends aforesaid Do In the first place as their ancestors in the like cases have usually done for the vindicating and asserting their antient rights and liberties DECLARE

THAT By the law of this Kingdome no papist can be King or Queen of this realme nor bear any office whatsoever therein nor can any protestant successor exercise the regall power untill he or she swear the Coronation Oath

THAT all Proclamations asserting an absolute power to Cass annull and Dissable laws The Erecting Schools and Colledges for Jesuits The Inverting protestant Chappells and Churches to publick Mass houses and the allowing Mass to be said are Contrary to Law

THAT the allowing Popish bookes to be printed and Dispersed is Contrary to law

THAT the takeing the children of Noblemen Gentlemen and others sending and Keeping them abroad to be bred papists The makeing fonds and Dotations to popish schooles and Colledges The Bestowing pensiones on preists and the perverting protestants from ther religion by offers of places preferments and pensiones are Contrary to law

THAT the Dissarming of protestants and Employing papists in the places of greatest trust both Civil and military the thrusting out protestants to make roome for papists and the intrusting papists with the forts and magazines of the Kingdome are Contrary to Law

THAT the Imposing oathes without authority of Parliament is Contrair to law

THAT the giving gifts or grants for raising of money without the Consent of Parliament or Convention of Estates is Contrary to law

THAT the Employing the officers of the army as Judges through the Kingdome or imposing them wher ther were heretable offices and Jurisdictiones and the putting the leidges to death summarly and without legall tryall jury or record are Contrary to Law

THAT the Imposing of extraordinary fynes The exacting of exorbitant Baile and the disposing of fynes and forefaultors befor sentence are Contrary to law

THAT the Imprisoning persones without expressing the reason therof and delaying to put them to tryall is contrary to law

THAT the causing persue and forefault persones upon stretches of old and obsolete lawes upon frivolous and weak pretences upon lame and defective probation as particularly the late Earle of Argyll are Contrary to law

THAT the nominating and Imposing the magistrats councils and clerks upon burghes contrary to ther liberties and express Chartors is Contrary to law

THAT the Sending letters to the courts of Justice Ordaining the Judges to stop or desist from determining Causes or ordaining them how to proceed in Causes depending befor them and the changeing the nature of the Judges gifts ad vitam aut culpam Into Commissions durante beneplacito are Contrary to law

THAT the granting personall protectiones for civil Debts is contrary to law

THAT the forcing the leidges to Depone against themselves in capitall Crymes however the punishment be restricted is Contrary to law

THAT the using torture without evidence or in ordinary Crymes is Contrary to law

THAT the Sending of ane army in ane hostile manner upon any part of the Kingdome in a peaceable tyme and Exacting of Locality and any manner of free quarters is Contrary to law

THAT the chargeing of the leidges with lawborrowes at the Kings instance and the imposing of bonds without the authority of Parliament and the suspending advocates from their Employment for not Compearing when such bonds were offered were Contrary to Law

THAT the putting of Garisones in privat mens houses in tyme of peace without their Consent or the authority of Parliament is Contrary to law

THAT the opinions of the Lords of Sessione in the two Cases following were Contrary to Law videlicet (1.) That the concealing the Demand of a Supply for a forefaulted persone altho not given is treason (2.) That persones refusing to discover what are their privat thoughts and judgements in relation to points of treason or others mens actions are guilty of treason

THAT the fyneing husbands for ther wives withdrawing from the church was Contrary to law

THAT Prelacy and the superiority of any office in the Church above presbyters is and hath been a great and insupportable greivance and trouble to this Nation and contrary to the Inclinationes of the generality of the people ever since the reformation (they haveing reformed from popery by presbyters) and therfor ought to be abolished

THAT it is the right and priviledge of the subjects to protest for remeed of law to the King and Parliament against Sentences pronounced by the lords of Sessione Provydeing the samen Do not stop Execution of these sentences

THAT it is the right of the subjects to petition the King and that all Imprisonments and prosecutiones for such petitioning are Contrary to law

THAT for redress of all greivances and for the amending strenthneing and preserveing of the lawes Parliaments ought to be frequently called and allowed to sit and the freedom of speech and debate secured to the members

AND they Doe Claim Demand and insist upon all and sundry the premisses as ther undoubted right and liberties And that no Declarationes Doeings or proceedings to the prejudice of the people in any of the said premisses ought in any wayes to be drawne hereafter in Consequence or Example But that all forefaultors fynes loss of offices Imprisonments Banishments pursuits persecutiones tortures and rigorous Executiones be Considered and the pairties lassed be redressed

TO which Demand of ther rights and redressing of their greivances they are particularly Encouraged by his Majesty the King of England his Declaration for the Kingdome of Scotland of the                      day of October last as being the only means for obtaining a full redress and remedy therein

HAVEING therfor ane entire confidence that his said Majesty the King of England will perfect the Delyverance so far advanced by him and will still preserve them from violation of their Rights which they have here asserted and from all other attempts upon their Religion lawes and liberties

THE said Estates of the Kingdome of Scotland Doe resolve that WILLIAM and MARY King and Queen of England France and Ireland Be and be Declared KING and QUEEN of SCOTLAND To hold the Crowne and Royall Dignity of the said Kingdome of Scotland To them the said King and Queen dureing ther lives and the longest liver of them and that the sole and full exercise of the regall power be only in and Exeroised by him the said King in the names of the said King and Queen Dureing ther joynt lives And after ther decease The said Crowne and Royall Dignity of the said Kingdome to be to the heirs of the body of the said Queen which failing to the PRINCESS ANN OF DENMARK and the airs of her body which also failing to the aires of the Body of the said WILLIAM KING of ENGLAND

AND they do Pray the said King and Queen of England to accept the same accordingly

AND that the Oath hereafter mentioned be taken by all protestants of whom the oath of allegiance and any other oaths and Declarationes might be required by law instead of them And that the said oath of Allegiance and other oaths and Declarationes may be abrogated

I A: B: Do sincerely promise and swear That I will be faithfull and bear true allegiance to their Majesties King WILLIAM and Queen MARY So help me GOD

## PARLIAMENT AT EDINBURGH, 5TH JUNE 1689.

## CAP. 4.

[1689, *cap.* 3.]

## ACT abolishing Prelacie

WHEREAS the Estates of this Kingdome in their Claime of Right of the Eleavinth of Apryll last declared that Prelacie and the superioritie of any office in the church above Presbyters Is and hath been a greate and unsupportable greivance to this Nation and contrair to the inclinationes of the generalitie of the people ever since the Reformation They haveing reformed from poperie by presbyters and therfor ought to be abolished Our Sovereigne Lord and Lady the King and Queens Majesties with advyce and consent of the Estates of Parliament doe hereby abolish prelacie and all superioritie of any office in the church in this Kingdome above presbyters . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## PARLIAMENT AT EDINBURGH, 15TH APRIL 1690.

## CAP. 7.

[1690, *cap.* 5.]

## ACT Ratifying the Confession of Faith and settleing Presbyterian Church Government

OUR Sovereigne Lord and Lady The King and Queens Majesties and three estates of Parliament Conceiving it to be their bound duty after the great deliverance that God hath lately wrought for this Church and Kingdom In the first place to settle and secure therein the true protestant Religion according to the truth of Gods word as it hath of a long tyme been professed within this Land, as also the Government of Christs Church within this Nation agreeable to the word of God and most conducive to the advancement of true piety and Godliness and the establishing of peace and tranquillity within this Realme And that by ane Article of the Claime of Right It is declared that prelacie and the superiority of any office in the Church above presbyters Is and hath been a great and insupportable greivance and trouble to this Nation and contrary to the inclination of the generality of the people ever since the reformation they haveing reformed from popery by Presbiters and therefore ought to be abolished Lykeas by ane Act of the last Session of this Parliament Prelacie is abolished Therefore Their Majesties with advyce and consent of the saids three Estates Doe hereby revive ratifie and perpetually confirme all lawes statutes and acts of Parliament made against popery and papists and for the maintenance and preservation of the true reformed protestant religion and for the true Church of Christ within this kingdom In swa far as they confirme the same or are made in favours thereof Lykeas they by these presents Ratifie and establish the Confession of faith now read in their presence and voted and approven be them as the publick and avowed Confession of this Church containeing the summe and substance of the doctrine of the reformed Churches which Confession of faith is subjoynd to this present Act As also They doe establish Ratifie and confirme the presbyterian Church Government and discipline That is to say the Government of the Church by Kirke sessions presbyteries provinciall synods and Generall assemblies ratified and established by the 114 Act Ja: 6: parl: 12: Anno 1592 Entituled Ratification of the Liberty of the true kirke &c. And thereafter received by the generall consent of this Nation to be the only government of Christs Church within this Kingdome Reviveing Renewing and Confirmeing the forsaid act of Parliament in the hail heids thereof, except that part of it relateing to patronages

which is hereafter to be taken into consideration And Rescinding Annulling and making voyd the Acts of Parliament following videlicet Act anent restitution of Bishops: Ja. 6: Parl. 18. Cap. 2d Act Ratifying the acts of the assembly 1610 Ja. 6. Parl: 21 Cap. 1st Act anent the Election of Archbishops and Bishops Ja: 6: Parl: 22: Cap. 1st Act Entituled Ratification of the fyve articles of the generall assembly at Perth Ja: 6: Parl: 23: Cap: 1st Act Entituled for the restitution and re-establishment of the Ancient Government of the Church by Archbishops and Bishops Char: 2: Parl: 1st Sess: 2: Act 1st Act anent the Constitution of a national synod Char: 2: Parl: 1st Sess: 3d Act 5th Act agt such as refuse to depone against delinquents Char: 2: Parl: 2d: Sess: 2d: Act 2d Act entituled Act acknowledging and asserting the right of succession to the Imperiall Crowne of Scotland Char: 2: Parl: 3d act 2d Act entituled Act anent Religion and the Test Char: 2d Parl: 3, Act 6th with all other Acts Lawes statutes ordinances and proclamations And that in sua far allennerly as the saids Acts and others generally and particularly above mentioned are contrary or prejudiciall to Inconsistent with or derogatory from the protestant Religion and presbyterian Government now established And allowing and Declaering that the Church Government be established in the hands of and exercised by these presbyterian ministers who were outed since the first of January 1661 for nonconformity to prelacie or not complying with the courses of the tyme and are now restored by the late Act of Parliament and such ministers and elders only as they have admitted or received or shall hereafter admitt or receave and also that all the said Presbyterian Ministers have and shall have right to the maintenance, rights and other priveledges by Law provyded to the ministers of Christs Church within this kingdom as they are or shall be legally admitted to particular Churches . . . And to the effect the disorders that have hapned in this Church may be redressed Their Majesties with advyce and consent forsaid Doe hereby allow the Generall meeting and representatives of the forsaid presbyterian ministers and Elders in whose hands the exercise of the Church Government is established either by themselves or by such Ministers and elders as shall be appointed and authorised visitors by them according to the custom and practise of Presbyterian Government throughout the whole kingdom and severall parts thereof to try and purge out all Insufficient, negligent, scandalous and erroneous Ministers by due course of ecclesiasticall processes and censures and likewyses for redressing all other Church disorders And further it is hereby provyded that whatsoever Minister being convened before the said Generall meeting and representatives of the presbyterian ministers and elders or the visitors to be appointed by them shall either prove contumacious in not compearing or be found guilty and shall be therefore censured whether by suspension or deposition they shall ipso facto be suspended from or depryved of their stipends and benefices And ordaines this Act to be printed and published

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

THE CONFESSION OF FAITH under written was this day produced read and considered word by word in presence of their Majesties High Commissioner and the Estates of Parliament and being voted and approven was ordained to be recorded in the bookes of Parliament off the which CONFESSION OF FAITH the Tenor followes

#### CHAP. 1. OF THE HOLY SCRIPTURE

ALTHOUGH the light of Nature and works of Creation and Providence do so far manifest the goodness wisdom and power of God as to leave men inexcusable yet are they not sufficient to give that knowledge of God and of his will which is necessary unto salvation Therefore it pleased the Lord at sundry times and in divers maners to reveal himself and to declare that his will unto his Church and afterwards for the better preserving and propagating of the truth and for the more sure establishment and comfort of the Church against the corruption of the flesh and the malice of Satan and of the world to commit the same wholly unto writing which maketh the Holy Scripture to be most necessary those former wayes of Gods revealing his will unto his people being now ceased

2. UNDER the name of the Holy Scripture or the word of God written are now contained all the books of the Old and New Testament which are these OF THE OLD TESTAMENT Genesis Exodus Leviticus Numbers Deuteronomy Joshua Judges Ruth I Samuel II Samuel I Kings II Kings I Chronicles II Chronicles Ezra Nehemiah Esther Job Psalms Proverbs Ecclesiastes The Song of Songs Isaiah Jeremiah Lamentations Ezekiel Daniel Hosea Joel Amos Obadiah Jonah Micah Nahum Habbakkuk Zephaniah Haggai Zechariah Malachi OF THE NEW TESTAMENT The Gospels according to Matthew Mark Luke John The Acts of the Apostles Pauls Epistles to the Romans I Corinthians II Corinthians Galatians Ephesians Philippians Colossians I Thessalonians II Thessalonians I to Timothy II to Timothy to Titus to Philemon The Epistle to the Hebrews The Epistle of James The first and second Epistles of Peter The first second and third Epistles of John The Epistle of Jude The Revelation of John All which are given by inspiration of God to be the rule of faith and life

3. THE Books commonly called Apocrypha not being of divine inspiration are no part of the Canon of the Scripture and therefore are of no authority in the Church of God nor to be any otherwise approved or made use of than other human writings

4. THE authority of the Holy Scripture for which it ought to be believed and obeyed dependeth not upon the testimony of any man or Church but wholly upon God (who is truth it self) the author thereof and therefore it is to be received because it is the Word of God

5. We may be moved and induced by the testimony of the Church to an high and reverent esteem of the Holy Scripture And the heavenliness of the matter the efficacy of the doctrine the majesty of the style the consent of all the parts the scope of the whole (which is to give all glory to God) the full discovery it makes of the only way of mans salvation the many other incomparable excellencies and the entire perfection thereof are arguments whereby it doth abundantly evidence it self to be the Word of God yet notwithstanding our full persuasion and assurance of the infallible truth and divine authority thereof is from the inward work of the Holy Spirit bearing witness by and with the Word in our hearts

6. The whole counsell of God concerning all things necessary for his own glory mans salvation faith and life is either expresly set down in Scripture or by good and necessary consequence may be deduced from Scripture unto which nothing at any time is to be added whether by new revelations of the Spirit or traditions of men nevertheless we acknowledge the inward illumination of the Spirit of God to be necessary for the saving understanding of such things as are revealed in the word and that there are some circumstances concerning the worship of God and government of the Church common to human actions and societies which are to be ordered by the light of nature and Christian prudence according to the generall rules of the word which are always to be observed

7. ALL things in Scripture are not alike plain in themselves nor alike clear unto all yet those things which are necessary to be known believed and observed for salvation are so clearly propounded and opened in some place of Scripture or other that not only the learned but the unlearned in a due use of the ordinary means may attain to a sufficient understanding of them

8. THE OLD Testament in Hebrew (which was the native language of the people of God of old) and the New Testament in Greek (which at the time of the writing of it was most generally known to the nations) being immediatly inspired by God and by his singular care and providence kept pure in all ages are therefore authentically so as in all controversies of Religion the Church is finally to appeal unto them but because these originall tongues are not known to all the people of God who have right unto and interest in the Scriptures and are commanded in the fear of God to read and search them therefore they are to be translated into the vulgar language of every nation unto which they come that the word of God dwelling plentifully in all they may worship him in an acceptable manner and through patience and comfort of the Scriptures may have hope

9. THE infallible rule of interpretation of Scripture is the Scripture it self and therefore when there is a question about the true and full sense of any Scripture (which is not manifold but one) it must be searched and known by other places that speak more clearly

10. THE supreme judge by which all controversies of Religion are to be determined and all decrees of Councils opinions of ancient writers doctrines of men and private spirits are to be examined and in whose sentence we are to rest can be no other but the holy Spirit speaking in the Scripture

#### CHAP. II. OF GOD AND THE HOLY TRINITY

1. THERE is but one only living and true God who is infinite in being and perfection a most pure spirit invisible without body parts or passions immutable immense eternall incomprehensible almighty most wise most holy most free most absolute working all things according to the counsell of his own immutable and most righteous will for his own glory most loving gracious mercifull long suffering abundant in goodness and truth forgiving iniquity transgression and sin the rewarder of them that diligently seek him and withall most just and terrible in his judgements hating all sin and who will by no means clear the guilty

2. GOD hath all life glory goodness blessedness in and of himself and is alone in and unto himself all sufficient not standing in need of any creatures which he hath made nor deriving any glory from them but only manifesting his own glory in by unto and upon them He is the alone fountain of all being of whom through whom and to whom are all things and hath most sovereign dominion over them to do by them for them or upon them whatsoever himself pleaseth In his sight all things are open and manifest his knowledge is infinite infallible and independent upon the creature so as to him nothing is contingent or uncertain He is most holy in all his counsells in all his works and in all his commands To him is due from angels and men and every other creature whatsoever worship service or obedience he is pleased to require of them

3. IN the unity of the Godhead there be three persons of one substance power and eternity God the Father God the Son and God the Holy Ghost The Father is of none neither begotten nor proceeding the Son is eternally begotten of the Father the Holy Ghost eternally proceeding from the Father and the Son

#### CHAP. III. OF GODS ETERNAL DECREE

1. GOD from all eternity did by the most wise and holy counsell of his own will freely and unchangeably ordain whatsoever comes to pass yet so as thereby neither is God the author of sin nor is violence offered to the will of the creatures nor is the liberty or contingency of second causes taken away but rather established

2. ALTHOUGH God knows whatsoever may or can come to pass upon all supposed conditions yet hath he not decreed any thing because he foresaw it as future or as that which would come to pass upon such conditions

3. BY the decree of God for the manifestation of his glory some men and angels are predestinated unto everlasting life and others foreordained to everlasting death

4. THOSE angels and men thus predestinated and foreordained are particularly and unchangeably designed and their number is so certain and definite that it cannot be either increased or diminished

5. THOSE of mankind that are predestinated unto life God before the foundation of the world was laid according to his eternall and immutable purpose and the secret counsell and good pleasure of his will hath chosen in Christ unto everlasting glory out of his meer free grace and love without any foresight of faith or good works or

perseverance in either of them or any other thing in the creature as conditions or causes moving him thereunto and all to the praise of his glorious Grace

6. AS God hath appointed the elect unto glory so hath he by the eternall and most free purpose of his will foreordained all the means thereunto Wherefore they who are elected being fallen in Adam are redeemed by Christ are effectually called unto faith in Christ by his Spirit working in due season are justified adopted sanctified and kept by his power through faith unto salvation neither are any other redeemed by Christ effectually called justified adopted sanctified and saved but the elect only

7. THE rest of mankind God was pleased according to the unsearchable councill of his own good will whereby he extendeth or withholdeth mercy as he pleaseth for the glory of his sovereign power over his creatures to pass by and to ordain them to dishonour and wrath for their sin to the praise of his glorious justice

8. THE doctrine of this high mystery of Predestination is to be handled with speciall prudence and care that men attending the will of God revealed in his word and yielding obedience thereunto may from the certainty of their effectuall vocation be assured of their eternall election So shall this doctrine afford matter of praise reverence and admiration of God and of humility diligence and abundant consolation to all that sincerely obey the Gospell

#### CHAP. IV. OF CREATION

1. IT pleased God the Father Son and Holy Ghost for the manifestation of the glory of his eternall power wisdom and goodness in the beginning to create or make of nothing the world and all things therein whether visible or invisible in the space of six days and all very good

2. AFTER God had made all other creatures he created man male and female with reasonable and immortall souls and indued with knowledge righteousness and true holiness after his own image having the Law of God written in their hearts and power to fullfill it and yet under a possibility of transgressing being left to the liberty of their own will which was subject unto change Besyde this law written in their hearts they received a command not to eat of the tree of knowledge of good and evil which whilst they kept they were happy in their communion with God and had dominion over the creatures

#### CHAP. V. OF PROVIDENCE

1. GOD the great Creator of all things doth uphold direct dispose and governe all creatures actions and things from the greatest even to the least by his most wise and holy providence according to his infallible foreknowledge and the free and immutable councill of his own will to the praise of the glory of his wisdom power justice goodness and mercy

2. ALTHOUGH in relation to the foreknowledge and decree of God the first cause all things come to pass immutably and infallibly yet by the same providence he ordereth them to fall out according to the nature of second causes either necessarily freely or contingently

3. GOD in his ordinary providence maketh use of means yet is free to work without above and against them at his pleasure

4. THE Almighty power unsearchable wisdom and infinite goodness of God so far manifest themselves in his providence that it extendeth it self even to the first fall and all other sins of angels and men and that not by a bare permission but such as hath joyned with it a most wise and powerfull bounding and otherwayes ordering and governing of them in a manifold dispensation to his own holy ends yet so as the sinfullness thereof proceedeth only from the creature and not from God who being most holy and righteous neither is nor can be the author or approver of sin

5. THE most wise righteous and gracious God doth often times leave for a season his own children to manifold temptations and the corruption of their own hearts to chastise them for their former sins or to discover unto them the hidden strength of corruption and deceitfulness of their hearts that they may be humbled and to raise them to a more close and constant dependence for their support upon himself and to make them more watchfull against all future occasions of sin and for sundry other just and holy ends

6. AS for those wicked and ungodly men whom God as a righteous judge for former sins doth blind and harden from them he not only withholdeth his grace whereby they might have been enlightned in their understandings and wrought upon in their hearts but sometimes also withdraweth the gifts which they had and exposeth them to such objects as their corruption makes occasions of sin and withall gives them over to their own lusts the temptations of the world and the power of Satan whereby it comes to pass that they harden themselves even under those means which God useth for the softening of others

7. AS the providence of God doth in generall reach to all creatures so after a more speciall manner it taketh care of his church and disposeth all things to the good thereof

#### CHAP. VI. OF THE FALL OF MAN OF SIN AND OF THE PUNISHMENT THEREOF

1. OUR first parents being seduced by the subtilty and temptation of Satan sinned in eating the forbidden fruit This their sin God was pleased according to his wise and holy counsell to permit having purposed to order it to his own glory

2. BY this sin they fell from their originall righteousness and communion with God and so became dead in sin and wholly defiled in all the faculties and parts of soul and body

3. THEY being the root of all mankind the guilt of this sin was imputed and the same death in sin and corrupted nature conveyed to all their posterity descending from them by ordinary generation

4. FROM this originall corruption whereby we are utterly indisposed disabled and made opposite to all good and wholly inclined to all evil do proceed all actual transgressions

5. THIS corruption of nature during this life doth remain in those that are regenerated and although it be through Christ pardoned and mortified yet both it self and all the motions thereof are truly and properly sin

6. EVERY sin both original and actual being a transgression of the righteous law of God and contrary thereunto doth in its own nature bring guilt upon the sinner whereby he is bound over to the wrath of God and curse of the law and so made subject to death with all miseries spirituall temporall and eternall

#### CHAP. VII. OF GODS COVENANT WITH MAN

1. THE distance between God and the creature is so great that although reasonable creatures do owe obedience unto him as their Creator yet they could never have any fruition of him as their blessedness and reward but by some voluntary condescension on Gods part which he hath been pleased to express by way of Covenant

2. THE first Covenant made with man was a Covenant of Works wherein life was promised to Adam and in him to his posterity upon condition of perfect and personall obedience

3. MAN by his fall having made himself incapable of life by that Covenant the Lord was pleased to make a second commonly called the Covenant of Grace wherein he freely offered unto sinners life and salvation by Jesus Christ requiring of them

faith in him that they may be saved and promising to give unto all those that are ordained unto life his holy Spirit to make them willing and able to believe

4. THIS Covenant of Grace is frequently set forth in the Scripture by the name of a Testament in reference to the death of Jesus Christ the Testator and to the everlasting inheritance with all things belonging to it therein bequeathed

5. THIS Covenant was differently administred in the time of the Law and in the time of the Gospell under the Law it was administred by promises prophetes sacrifices circumcision the paschall lamb and other types and ordinances delivered to the people of the Jews all foreshewing Christ to come which were for that time sufficient and efficacious through the operation of the Spirit to instruct and build up the elect in faith in the promised Messiah by whom they had full remission of sins and eternall salvation and is called the Old Testament

6. UNDER the Gospell when Christ the substance was exhibited the ordinances in which his Covenant is dispensed are the preaching of the word and the administration of the sacraments of Baptism and the Lords Supper which though fewer in number and administred with more simplicity and less outward glory yet in them it is held forth in more fullness evidence and spirituall efficacy to all nations both Jews and Gentiles and is called the New Testament There are not therefore two Covenants of Grace differing in substance but one and the same under various dispensations

#### CHAP. VIII. OF CHRIST THE MEDIATOR

1. IT pleased God in his eternall purpose to choose and ordain the Lord Jesus his only begotten Son to be the mediator between God and man the prophet priest and king the head and saviour of his Church the heir of all things and judge of the world unto whom he did from all eternity give a people to be his seed and to be by him in time redeemed called justified sanctified and glorified

2. THE Son of God the second person of the Trinity being very and eternall God of one substance and equall with the Father did when the fullness of time was come take upon him mans nature with all the essentiall properties and common infirmities thereof yet without sin being conceived by the power of the Holy Ghost in the womb of the virgin Mary of her substance So that two whole perfect and distinct natures the Godhead and the Manhood were inseparably joyned together in one Person without conversion composition or confusion Which person is very God and very Man yet one Christ the only mediator between God and Man

3. THE Lord Jesus in his human nature thus united to the divine was sanctified and anointed with the holy Spirit above measure having in him all the treasures of wisdom and knowledge in whom it pleased the Father that all fullness should dwell to the end that being holy harmless and undefiled and full of grace and truth he might be thoroughly furnished to execute the office of a Mediator and Surety which office he took not unto himself, but was thereunto called by his Father who put all power and judgement into his hand and gave him commandment to execute the same

4. THIS office the Lord Jesus did most willingly undertake which that he might discharge he was made under the Law and did perfectly fulfill it endured most grievous torments immediately in his soul and most painfull sufferings in his body was crucified and died was buried and remained under the power of death yet saw no corruption on the third day he rose from the dead with the same body in which he suffered with which also he ascended into heaven and there sitteth at the right hand of his Father making intercession and shall return to judge men and angels at the end of the world

5. THE Lord Jesus by his perfect obedience and sacrifice of himself which he through the eternall Spirit once offered up unto God hath fully satisfied the justice of his Father and purchased not only reconciliation but an everlasting inheritance in the kingdom of heaven for all those whom the Father hath given unto him

6. **ALTHOUGH** the work of redemption was not actually wrought by Christ till after his incarnation yet the virtue efficacy and benefits thereof were communicated unto the elect in all ages successively from the beginning of the world in and by those promises types and sacrifices wherein he was revealed and signified to be the seed of the woman which should bruise the serpents head and the Lamb slain from the beginning of the world being yesterday and to day the same and for ever

7. **CHRIST** in the work of mediation acteth according to both natures by each nature doing that which is proper to it self yet by reason of the unity of the person that which is proper to one nature is sometimes in Scripture attributed to the person denominated by the other nature

8. **TO** all those for whom Christ hath purchased redemption he doth certainly and effectually apply and communicate the same making intercession for them and revealing unto them in and by the word the mysteries of salvation effectually persuading them by his spirit to believe and obey and governing their hearts by his word and spirit overcoming all their enemies by his almighty power and wisdom in such manner and wayes as are most consonant to his wonderfull and unsearcheable dispensation

#### CHAP IX. OF FREE WILL

1. **GOD** hath indued the will of man with that naturall liberty that is neither forced nor by any absolute necessity of nature determined to do good or evill

2. **MAN** in his state of innocency had freedom and power to will and to do that which was good and well pleasing to God but yet mutably so that he might fall from it

3. **MAN** by his fall into a state of sin hath wholly lost all ability of will to any spirituall good accompanying salvation so as a naturall man being altogether averse from that good and dead in sin is not able by his own strength to convert himself or to prepare himself thereunto

4. **WHEN** God converts a sinner and translates him into the state of grace he freeth him from his naturall bondage under sin and by his grace alone enables him freely to will and to do that which is spirituall good yet so as that by reason of his remaining corruption he doth not perfectly nor only will that which is good but doth also will that which is evil

5. **THE** will of man is made perfectly and immutably free to do good alone in the state of Glory only

#### CHAP. X. OF EFFECTUALL CALLING

1. **ALL** those whom God hath predestinated unto life and those only he is pleased in his appointed and accepted time effectually to call by his word and Spirit out of that estate of sin and death in which they are by nature to grace and salvation by Jesus Christ inlightening their minds spiritually and savingly to understand the things of God taking away their heart of stone and giving unto them an heart of flesh renewing their wills and by his almighty power determining them to that which is good and effectually drawing them to Jesus Christ yet so as they come most freely being made willing by his grace

2. **THIS** effectuall call is of Gods free and speciall grace alone not from any thing at all foreseen in man who is altogether passive therein untill being quickened and renewed by the holy Spirit he is thereby enabled to answer this call and to embrace the grace offered and conveyed in it

3. **ELECT** infants dying in infancy are regenerated and saved by Christ through the Spirit who worketh when and where and how he pleaseth so also are all other elect persons who are incapable of being outwardly called by the ministry of the word

4. OTHERS not elected although they may be called by the ministry of the word and may have some common operations of the Spirit yet they never truly come unto Christ and therefore cannot be saved much less can men not professing the Christian Religion be saved in any other way whatsoever be they never so diligent to frame their lives according to the light of nature and the law of that religion they do profess and to assert and maintain that they may is very pernicious and to be detested

#### CHAP. XI. OF JUSTIFICATION

1. THOSE whom God effectually calleth he also freely justifieth not by infusing righteousness into them but by pardoning their sins and by accounting and accepting their persons as righteous not for any thing wrought in them or done by them but for Christs sake alone nor by imputing faith it self the act of believing or any other evangelicall obedience to them as their righteousness but by imputing the obedience and satisfaction of Christ unto them they receiveing and resting on him and his righteousness by faith which faith they have not of themselves it is the gift of God

2. FAITH thus receiveing and resting on Christ and his righteousness is the alone instrument of justification yet it is not alone in the person justified but is ever accompanied with all other saving graces and is no dead faith but worketh by love

3. CHRIST by his obedience and death did fully discharge the debt of all those that are thus justified and did make a proper reall and full satisfaction to his Fathers justice in their behalf yet in as much as he was given by the Father for them and his obedience and satisfaction accepted in their stead and both freely not for any thing in them their justification is only of free grace that both the exact justice and rich grace of God might be glorified in the justification of sinners

4. GOD did from all eternity decree to justify all the elect and Christ did in the fullness of time die for their sins and rise again for their justification nevertheless they are not justified untill the holy spirit doth in due time actually apply Christ unto them

5. GOD doth continue to forgive the sins of those that are justified and although they can never fall from the state of justification yet they may by their sins fall under Gods fatherly displeasure and not have the light of his countenance restored unto them untill they humble themselves confess their sins beg pardon and renew their faith and repentance

6. THE justification of believers under the Old Testament was in all these respects one and the same with the justification of believers under the New Testament

#### CHAP. XII. OF ADOPTION

1. ALL those that are justified God vouchsafeth in and for his only son Jesus Christ to make partakers of the grace of adoption by which they are taken into the number and enjoy the liberties and priviledges of the children of God have his name put upon them receive the spirit of adoption have access to the throne of grace with boldness are enabled to cry Abba Father are pitied protected provided for and chastened by him as by a father yet never cast off but sealed to the day of redemption and inherit the promises as heirs of everlasting salvation

#### CHAP. XIII. OF SANCTIFICATION

1. THEY who are effectually called and regenerated having a new heart and a new spirit created in them are further sanctified really and personally through the virtue of Christs death and resurrection by his word and spirit dwelling in them the dominion

of the whole body of sin is destroyed and the severall lusts therof are more and more weakened and mortified and they more and more quickened and strengthened in all saving graces to the practise of true holiness without which no man shall see the Lord

2. **THIS** sanctification is throughout in the whole man yet imperfect in this life there abideth still some remnants of corruption in every part whence ariseth a continuall and irreconcilable war the flesh lusting against the spirit and the spirit against the flesh

3. **IN** which war although the remaining corruption for a time may much prevail yet through the continuall supply of strength from the sanctifying spirit of Christ the regenerate part doth overcome and so the saints grow in grace perfecting holiness in the fear of God

#### CHAP. XIV. OF SAVING FAITH

1. **THE** grace of faith whereby the elect are enabled to believe to the saving of their souls is the work of the spirit of Christ in their hearts and is ordinarily wrought by the ministry of the word by which also and by the administration of the sacraments and prayer it is increased and strengthened

2. **BY** this faith a christian believeth to be true whatsoever is revealed in the word from the authority of God himself speaking therein and acteth differently upon that which each particular passage thereof containeth yielding obedience to the commands trembling at the threatnings and embracing the promises of God for this life and that which is to come But the principall acts of saving faith are accepting receiving and resting upon Christ alone for justification sanctification and eternall life by virtue of the Covenant of Grace

3. **THIS** faith is different in degrees weak or strong may be often and many wayes assailed and weakened but gets the victory growing up in many to the attainment of a full assurance through Christ who is both the author and finisher of our faith

#### CHAP. XV. OF REPENTANCE UNTO LIFE

1. **REPENTANCE** unto life is an evangelicall grace the doctrine whereof is to be preached by every minister of the Gospell

2. **BY** it a sinner out of the sight and sense not only of the danger but also of the filthiness and odiousness of his sins as contrary to the holy nature and righteous law of God and upon the apprehension of his mercy in Christ to such as are penitent so grieves for and hates his sins as to turn from them all unto God purposing and endeavouring to walk with him in all the wayes of his commandments

3. **ALTHOUGH** repentance be not to be rested in as any satisfaction for sin or any cause of the pardon thereof which is the act of Gods free grace in Christ yet is it of such necessity to all sinners that none may expect pardon without it

4. **AS** there is no sin so small but it deserves damnation so there is no sin so great that it can bring damnation upon those who truly repent

5. **MEN** ought not to content themselves with a generall repentance but it is every mans duty to endeavour to repent of his particular sins particularly

6. **AS** every man is bound to make private confession of his sins to God praying for the pardon thereof upon which and the forsaking of them he shall find mercy so he that scandalizeth his brother or the church of Christ ought to be willing by a private or publick confession and sorrow for his sins to declare his repentance to those that are offended who are thereupon to be reconciled to him and in love to receive him

## CHAP. XVI. OF GOOD WORKS

1. GOOD works are only such as God hath commanded in his Word and not such as without the warrant thereof are devysed by men out of blind zeal or upon pretence of good intention

2. THOSE good works done in obedience to Gods commandments are the fruits and evidences of a true and lively faith and by them believers manifest their thankfulness strengthen their assurance edify their brethren adorn the profession of the Gospell stop the mouths of the adversaries and glorify God whose workmanship they are created in Christ Jesus thereunto that having their fruit unto holiness they may have in the end eternall life

3. THEIR ability to do good works is not at all of themselves but wholly from the spirit of Christ And that they may be enabled thereunto besides the graces they have already received there is required an actuall influence of the same holy Spirit to work in them to will and to do of his good pleasure yet are they not hereupon to grow negligent as if they were not bound to perform any duty unless upon a speciall motion of the spirit but they ought to be diligent in stirring up the grace of God that is in them

4. THEY who in their obedience attain to the greatest height which is possible in this life are so far from being able to supererogate and to do more then God requires as that they fall short of much which in duty they are bound to do

5. WE cannot by our best works merit pardon of sin or eternall life at the hand of God by reason of the great disproportion that is between them and the glory to come and the infinite distance that is between us and God whom by them we can neither profit nor satisfy for the debt of our former sins but when we have done all we can we have done but our duty and are unprofitable servants and because as they are good they proceed from his Spirit and as they are wrought by us they are defiled and mixed with so much weakness and imperfection that they cannot endure the severity of God's judgement

6. YET notwithstanding the persons of believers being accepted through Christ their good works also are accepted in him not as though they were in this life wholly unblameable and unreprouceable in Gods sight but that he looking upon them in his Son is pleased to accept and reward that which is sincere although accompanied with many weaknesses and imperfections

7. WORKS done by unregenerate men although for the matter of them they may be things which God commands and of good use both to themselves and others yet because they proceed not from a heart purified by faith nor are done in a right manner according to the Word nor to a right end the glory of God they are therefore sinfull and cannot please God or make a man meet to receive grace from God and yet their neglect of them is more sinfull and displeasing unto God

## CHAP. XVII. OF THE PERSEVERANCE OF THE SAINTS

1. THEY whom God hath accepted in his beloved effectually called and sanctified by his Spirit can neither totally nor finally fall away from the state of grace but shall certainly persevere therein to the end and be eternally saved

2. THIS perseverance of the saints depends not upon their own free will but upon the immutability of the decree of election flowing from the free and unchangeable love of God the Father upon the efficacy of the merit and intercession of Jesus Christ the abiding of the Spirit and of the seed of God within them and the nature of the Covenant of Grace from all which ariseth also the certainty and infallibility thereof

3. **NEVERTHELESS** they may through the temptations of Satan and of the world the prevalancy of corruption remaining in them and the neglect of the means of their preservation fall into grievous sins and for a time continue therein whereby they incur Gods displeasure and grieve his holy Spirit come to be deprived of some measure of their graces and comforts have their hearts hardened and their consciences wounded hurt and scandalize others and bring temporall judgments upon themselves

#### CHAP. XVIII. OF THE ASSURANCE OF GRACE AND SALVATION

1. **ALTHOUGH** hypocrites and other unregenerate men may vainly deceive themselves with false hopes and carnall presumptions of being in the favor of God and estate of salvation which hope of theirs shall perish yet such as truly believe in the Lord Jesus and love him in sincerity endeavouring to walk in all good conscience before him may in this life be certainly assured that they are in the state of grace and may rejoyce in the hope of the glory of God which hope shall never make them ashamed

2. **THIS** certainty is not a bare conjecturall and probable persuasion groundd upon a fallible hope but an infallible assurance of faith founded upon the divine truth of the promises of salvation the inward evidence of those graces unto which these promises are made the testimony of the spirit of adoption witnessing with our spirits that we are the children of God which spirit is the earnest of our inheritance whereby we are sealed to the day of redemption

3. **THIS** infallible assurance doth not so belong to the essence of faith but that a true believer may wait long and conflict with many difficulties before he be partaker of it yet being enabled by the spirit to know the things which are freely given him of God he may without extraordinary revelation in the right use of ordinary means attain thereunto and therefore it is the duty of every one to give all diligence to make his calling and election sure that thereby his heart may be enlarged in peace and joy in the Holy Ghost in love and thankfulness to God and in strength and cheerfulness in the duties of obedience the proper fruits of this assurance so far is it from inclining men to looseness

4. **TRUE** believers may have the assurance of their salvation divers ways shaken diminished and intermitted as by negligence in preserving of it by falling into some special sin which woundeth the conscience and grieveth the spirit by some sudden or vehement temptation by Gods withdrawing the light of his countenance and suffering even such as fear him to walk in darkness and to have no light yet are they never utterly destitute of the seed of God and life of faith that love of Christ and the brethren that sincerity of heart and conscience of duty out of which by the operation of the spirit this assurance may in due time be revived and by the which in the mean time they are supported from utter despair

#### CHAP. XIX. OF THE LAW OF GOD

1. **GOD** gave to Adam a Law as a Covenant of Works by which he bound him and all his posterity to personall entire exact and perpetuall obedience promised life upon the fulfilling and threatned death upon the breach of it and endued him with power and ability to keep it

2. **THIS** Law after his fall continued to be a perfect rule of righteousness and as such was delivered by God upon Mount Sinai in ten commandments and written in two tables the four first commandments containing our duty towards God and the other six our duty to man

3. **BESIDE** this Law commonly called Moral God was pleased to give the people of Israel as a Church under age Ceremoniall Laws containing severall typicall ordinances partly of worship prefiguring Christ his graces actions sufferings and benefits and

partly holding forth divers instructions of moral duties all which Ceremoniall Laws are now abrogated under the New Testament

4. TO them also as a body politick he gave sundry judiciall laws which expired together with the state of that people not obliging any other now further then the generall equity thereof may require

5. THE Moral Law doth for ever bind all as well justified persons as others to the obedience therof and that not only in regard of the matter contained in it but also in respect of the authority of God the Creator who gave it neither doth Christ in the Gospell any way dissolve but much strengthen this obligation

6. ALTHOUGH true believers be not under the Law as a Covenant of Works to be thereby justified or condemned yet it is of great use to them as well as to others in that as a rule of life informing them of the will of God and their duty it directs and binds them to walk accordingly discovering also the sinfull pollutions of their nature hearts and lives so as examining themselves thereby they may come to further conviction of humiliation for and hatred against sin together with a clearer sight of the need they have of Christ and the perfection of his obedience It is likewise of use to the regenerate to restrain their corruptions in that it forbids sin and the threatnings of it serve to shew what even their sins deserve and what afflictions in this life they may expect for them although freed from the curse thereof threatned in the Law The promises of it in like manner shew them Gods approbation of obedience and what blessings they may expect upon the performance thereof although not as due to them by the Law as a Covenant of Works so as a mans doing good and refraining from evil because the law encourageth to the one and deterreth from the other is no evidence of his being under the Law and not under Grace

7. NEITHER are the forementioned uses of the Law contrary to the grace of the Gospell but do sweetly comply with it the spirit of Christ subduing and enabling the will of man to do that freely and cheerfully which the will of God revealed in the Law requireth to be done

#### CHAP. XX. OF CHRISTIAN LIBERTY AND LIBERTY OF CONSCIENCE

1. THE liberty which Christ hath purchased for believers under the Gospell consists in their freedom from the guilt of sin the condemning wrath of God the curse of the Moral Law and in their being delivered from this present evil world bondage to Satan and dominion of sin from the evil of afflictions the sting of death the victory of the grave and everlasting damnation as also in their free access to God and their yielding obedience unto him not out of slavish fear but a child-like love and willing mind all which were common also to believers under the Law But under the New Testament the liberty of Christians is further enlarged in their freedom from the yoke of the Ceremoniall Law to which the Jewish Church was subjected and in greater boldness of access to the throne of grace and in fuller communication of the free spirit of God than believers under the Law did ordinarily partake of

2. GOD alone is Lord of the conscience and hath left it free from the doctrines and commandments of men which are in any thing contrary to his Word or beside it in matters of faith or worship so that to believe such doctrines or to obey such commands out of conscience is to betray true liberty of conscience and the requiring of an implicit faith and an absolute and blind obedience is to destroy liberty of conscience and reason also

3. THEY who upon pretence of Christian liberty do practise any sin or cherish any lust do thereby destroy the end of Christian liberty which is that being delivered out of the hands of our enemies we might serve the Lord without fear in holiness and righteousness before him all the days of our life

4. AND because the powers which God hath ordained and the liberty which Christ hath purchased are not intended by God to destroy but mutually to uphold and pre-

serve one another they who upon pretence of Christian liberty shall oppose any lawfull power or the lawfull exercise of it whether it be civil or ecclesiasticall resist the ordinance of God and for their publishing of such opinions or maintaining of such practises as are contrary to the light of nature or to the known principles of Christianity whether concerning faith worship or conversation or to the power of godliness or such erroneous opinions or practises as either in their own nature or in the manner of publishing or maintaining them are destructive to the externall peace and order which Christ hath established in the Church they may be lawfully called to account and proceeded against by the censures of the Church and by the power of the civil Magistrate

#### CHAP. XXI. OF RELIGIOUS WORSHIP AND THE SABBATH DAY

1. THE light of nature sheweth that there is a God who hath lordship and sovereignty over all is good and doth good unto all and is therefore to be feared loved praised called upon trusted in and served with all the heart and with all the soul and with all the might But the acceptable way of worshipping the true God is instituted by himself and so limited by his own revealed will that he may not be worshipped according to the imaginations and devices of men or the suggestions of Satan under any visible representation or any other way not prescribed in the holy Scripture

2. RELIGIOUS worship is to be given to God the Father Son and Holy Ghost and to him alone not to angells saints or any other creature and since the fall not without a mediator nor in the mediation of any other but of Christ alone

3. PRAYER with thanksgiving being one speciall part of religious worship is by God required of all men and that it may be accepted it is to be made in the name of the Son by the help of his spirit according to his will with understanding reverence humility fervency faith love and perseverance and if vocall in a known tongue

4. PRAYER is to be made for things lawfull and for all sorts of men living or that shall live hereafter but not for the dead nor for those of whom it may be known that they have sinned the sin unto death

5. THE reading of the Scriptures with godly fear the sound preaching and conscionable hearing of the word in obedience unto God with understanding faith and reverence singing of psalms with grace in the heart as also the due administration and worthy receiving of the Sacraments instituted by Christ are all parts of the ordinary religious worship of God beside religious oaths vows solemn fastings and thanksgivings upon speciall occasions which are in their severall times and seasons to be used in an holy and religious manner

6. NEITHER prayer nor any other part of religious worship is now under the Gospell either tyed unto or made more acceptable by any place in which it is performed or towards which it is directed but God is to be worshipped every where in spirit and truth as in private families daily and in secret each one by himself so more solemnly in the publick assemblies which are not carelessly or wilfully to be neglected or forsaken when God by his word or providence calleth thereunto

7. AS it is of the law of nature that in generall a due proportion of time be set apart for the worship of God so in his word by a positive morall and perpetuall commandment binding all men in all ages he hath particularly appointed one day in seven for a Sabbath to be kept holy unto him which from the beginning of the world to the resurrection of Christ was the last day of the week and from the resurrection of Christ was changed into the first day of the week which in Scripture is called the Lords day and is to be continued to the end of the world as the Christian Sabbath

8. THIS Sabbath is then kept holy unto the Lord when men after a due preparing of their hearts and ordering of their common affairs before hand do not only observe a holy rest all the day from their own works words and thoughts about their worldly

employments and recreations but also are taken up the whole time in the publick and private exercises of his worship and in the duties of necessity and mercy

#### CHAP. XXII. OF LAWFULL OATHS AND VOWS

1. A lawfull oath is a part of religious worship wherein upon just occasion the person swearing solemnly calleth God to witnes what he asserteth or promiseth and to judge him according to the truth or falshood of what he sweareth
2. THE name of God only is that by which men ought to swear and therein it is to be used with all holy fear and reverence therefore to swear vainly or rashly by that glorious and dreadfull name or to swear at all by any other thing is sinfull and to be abhorred Yet as in matters of weight and moment an oath is warranted by the word of God under the New Testament as well as under the Old so a lawfull oath being imposed by lawfull authority in such matters ought to be taken
3. WHOSOEVER taketh an oath ought duely to consider the weightiness of so solemn an act and thereunto avouch nothing but what he is fully persuaded is the truth neither may any man bind himself by oath to any thing but what is good and just and what he believeth so to be and what he is able and resolved to perform yet it is a sin to refuse an oath touching anything that is good and just being imposed by lawfull authority
4. AN oath is to be taken in the plain and common sense of the words without equivocation or mentall reservation It cannot oblige to sin but in any thing not sinfull being taken it binds to performance although to a mans own hurt nor is it to be violated although made to hereticks or infidels
5. A vow is of the like nature with a promissory oath and ought to be made with the like religious care and to be performed with the like faithfullness
6. IT is not to be made to any creature but to God alone and that it may be accepted it is to be made voluntarily out of faith and conscience of duty in way of thankfulness for mercy received or for the obtaining of what we want whereby we more strictly bind ourselves to necessary duties or to other things so far and so long as they may fitly conduce thereunto
7. NO man may vow to do any thing forbidden in the Word of God or what would hinder any duty therein commanded or which is not in his own power and for the performance whereof he hath no promise of ability from God in which respects popish monasticall vows of perpetuall single life professed poverty and regular obedience are so far from being degrees of higher perfection that they are superstitious and sinfull snares in which no Christian may intangle himself

#### CHAP. XXIII. OF THE CIVIL MAGISTRATE

1. GOD the supreme Lord and King of all the world hath ordained Civil Magistrats to be under him over the people for his own glory and the publick good and to this end hath armed them with the power of the sword for the defence and encouragement of them that are good and for the punishment of evil doers
2. IT is lawfull for Christians to accept and execute the office of a magistrate when called thereunto in the managing whereof as they ought especially to maintain piety justice and peace according to the wholesome laws of each Commonwealth so for that end they may lawfully now under the New Testament wage war upon just and necessary occasion
3. THE civil Magistrate may not assume to himself the administration of the word and sacraments or the power of the keys of the kingdom of heaven yet he hath authority and it is his duty to take order that unity and peace be preserved in the Church that the truth of God be kept pure and entire that all blasphemies and

heresies be suppressed all corruptions and abuses in worship and discipline prevented or reformed and all the ordinances of God duly settled administred and observed for the better effecting whereof he hath power to call synods to be present at them and to provide that whatsoever is transacted in them be according to the mind of God

4. IT is the duty of people to pray for Magistrates to honour their persons to pay them tribute and other dues to obey their lawfull commands and to be subject to their authority for conscience sake Infidelity or difference in religion doth not make void the magistrates just and legall authority nor free the people from their due obedience to him from which ecclesiasticall persons are not exempted much less hath the Pope any power or jurisdiction over them in their dominions or over any other people and least of all to deprive them of their dominions or lives if he shall judge them to be hereticks or upon any other pretence whatsoever

#### CHAP. XXIV. OF MARRIAGE AND DIVORCE

1. MARRIAGE is between one man and one woman neither is it lawfull for any man to have more than one wife nor for any woman to have more then one husband at the same time

2. MARRIAGE was ordained for the mutuall help of husband and wife for the increase of mankind with a legitimate issue and of the Church with a holy seed and for preventing of uncleanness

3. IT is lawfull for all sorts of people to marry who are able with judgement to give their consent yet it is the duty of Christians to marry only in the Lord and therefore such as profess the true reformed religion should not marry with infidels papists or other idolaters neither should such as are godly be unequally yoked by marrying with such as are notoriously wicked in their life or maintain damnable heresies

4. MARRIAGE ought not to be within the degrees of consanguinity or affinity forbidden in the Word nor can such incestuous marriages ever be made lawfull by any law of man or consent of parties so as these persons may live together as man and wife The man may not marry any of his wifes kindred nearer in blood than he may of his own nor the woman of the husbands kindred nearer in blood than of her own

5. ADULTERY or fornication committed after a contract being detected before marriage giveth just occasion to the innocent party to dissolve that contract In the case of adultery after marriage it is lawfull for the innocent party to sue out a divorce and after the divorce to marry another as if the offending party were dead

6. ALTHOUGH the corruption of man be such as is apt to study arguments unduly to put asunder those whom God hath joyned together in marriage yet nothing but adultery or such wilfull desertion as can noways be remedied by the Church or civil magistrate is cause sufficient of dissolving the bond of marriage wherein a publick and orderly course of proceeding is to be observed and the persons concerned in it not left to their own wills and discretion in their own case

#### CHAP. XXV. OF THE CHURCH

1. THE Catholick or universall Church which is invisible consists of the whole number of the elect that have been are or shall be gathered into one under Christ the head therof and is the spouse the body the fullness of him that filleth all in all

2. THE visible Church which is also catholick or universall under the Gospell (not confined to one nation as before under the Law) consists of all those throughout the world that profess the true religion together with their children and is the kingdom of the Lord Jesus Christ the house and family of God out of which there is no ordinary possibility of salvation

3. UNTO this Catholick visible Church Christ hath given the ministry oracles and ordinances of God for the gathering and perfecting of the saints in this life to the end of the world and doth by his own presence and Spirit according to his promise make them effectually thereunto

4. THIS Catholick Church hath been sometimes more sometimes less visible and particular Churches which are members thereof are more or less pure according as the doctrine of the Gospell is taught and embraced ordinances administered and publick worship performed more or less purely in them

5. THE purest Churches under heaven are subject both to mixture and error and some have so degenerated as to become no Churches of Christ but synagogues of Satan nevertheless there shall be always a Church on earth to worship God according to his will

6. THERE is no other head of the Church but the Lord Jesus Christ nor can the Pope of Rome in any sense be head thereof but is that Antichrist that man of sin and son of perdition that exalteth himself in the Church against Christ and all that is called God

#### CHAP. XXVI. OF THE COMMUNION OF SAINTS

1. ALL saints that are united to Jesus Christ their head by his spirit and by faith have fellowship with him in his graces sufferings death resurrection and glory and being united to one another in love they have communion in each others gifts and graces and are obliged to the performance of such duties publick and private as do conduce to their mutuall good both in the inward and outward man

2. Saints by profession are bound to maintain an holy fellowship and communion in the worship of God and in performing such other spirituall services as tend to their mutuall edification as also in relieving each other in outward things according to their severall abilities and necessities which communion as God offereth opportunity is to be extended to all those who in every place call upon the name of the Lord Jesus.

3. THIS Communion which the saints have with Christ doth not make them in any wise partakers of the substance of his Godhead or to be equal with Christ in any respect either of which to affirm is impious and blasphemous Nor doth their communion one with another as saints take away or infringe the title or propriety which each man hath in his goods and possessions

#### CHAP. XXVII. OF THE SACRAMENTS

1. SACRAMENTS are holy signs and seals of the Covenant of Grace immediately instituted by God to represent Christ and his benefits and to confirm our interest in him as also to put a visible difference between those that belong unto the church and the rest of the world and solemnly to engage them to the service of God in Christ according to his word

2. THERE is in every sacrament a spirituall relation or sacramentall union between the sign and the thing signified whence it comes to pass that the names and effects of the one are attributed to the other

3. THE grace which is exhibited in or by the sacraments rightly used is not conferred by any power in them neither doth the efficacy of a sacrament depend upon the piety or intention of him that doth administer it but upon the work of the Spirit and the word of Institution which contains together with a precept authorizing the use thereof a promise of benefit to worthy receivers

4. THERE be only two sacraments ordained by Christ our Lord in the Gospell that is to say Baptism and the Supper of the Lord neither of which may be dispensed by any but by a minister of the word lawfully ordained

5. THE sacraments of the Old Testament in regard of the spirituall things thereby signified and exhibited were for substance the same with those of the New

#### CHAP. XXVIII. OF BAPTISM

1. BAPTISM is a sacrament of the New Testament ordained by Jesus Christ not only for the solemn admission of the party baptized into the visible church but also to be unto him a sign and seal of the Covenant of Grace of his ingrafting into Christ of regeneration of remission of sins and of his giving up unto God through Jesus Christ to walk in newness of life which sacrament is by Christs own appointment to be continued in his Church untill the end of the world

2. THE outward element to be used in this sacrament is water wherewith the party is to be baptized in the name of the Father and of the Son and of the Holy Ghost by a minister of the Gospell lawfully called thereunto

3. DIPPING of the person in the water is not necessary but baptism is rightly administred by pouring or sprinkling water upon the person

4. NOT only those that do actually profess faith in and obedience unto Christ but also the infants of one or both believing parents are to be baptized

5. ALTHOUGH it is a great sin to contemn or neglect this ordinance yet grace and salvation are not so inseparably annexed unto it as that no person can be regenerated or saved without it or that all that are baptized are undoubtedly regenerated

6. THE efficacy of baptism is not tied to that moment of time wherein it is administred yet notwithstanding by the right use of this ordinance the grace promised is not only offered but really exhibited and conferred by the Holy Ghost to such (whether of age or infants) as that grace belongeth unto according to the counsell of Gods own will in his appointed time

7. THE sacrament of baptism is but once to be administred unto any person

#### CHAP. XXIX. OF THE LORDS SUPPER

1. OUR Lord Jesus in the night wherein he was betrayed instituted the sacrament of his body and blood called the Lords Supper to be observed in his Church unto the end of the world for the perpetuall remembrance of the sacrifice of himself in his death the sealing all benefits thereof to true believers their spirituall nourishment and growth in him their further engagement in and to all duties which they owe unto him and to be a bond and pledge of their communion with him and with each other as members of his mysticall body

2. IN this sacrament Christ is not offered up to his father nor any reall sacrifice made at all for remission of sins of the quick or dead but only a commemoration of that one offering up of himself by himself upon the cross once for all and a spirituall oblation of all possible praise unto God for the same so that the popish sacrifice of the Mass (as they call it) is most abominably injurious to Christs one only sacrifice the alone propitiation for all the sins of the elect

3. THE Lord Jesus hath in this ordinance appointed his ministers to declare his word of Institution to the people to pray and bless the elements of bread and wine and thereby to set them apart from a common to an holy use and to take and break the bread to take the cup and (they communicating also themselves) to give both to the communicants but to none who are not then present in the congregation

4. PRIVATE masses or receiving this sacrament by a priest or any other alone as likewise the deniall of the cup to the people worshipping the elements the lifting them up or carrying them about for adoration and the reserving them for any pretended religious use are all contrary to the nature of this sacrament and to the institution of Christ

5. THE outward elements in this sacrament duely set apart to the uses ordained by Christ have such relation to him crucified as that truly yet sacramentally only they are sometimes called by the name of the things they represent to wit the body and blood of Christ albeit in substance and nature they still remain truly and only bread and wine as they were before

6. THAT doctrine which maintaines a change of the substance of bread and wine into the substance of Christs body and blood (commonly called transubstantiation) by consecration of a priest or by any other way is repugnant not to scripture alone but even to common sense and reason overthroweth the nature of the sacrament and hath been and is the cause of manifold superstitions yea of gross idolatries

7. WORTHY receivers outwardly partaking of the visible elements of this sacrament do then also inwardly by faith really and indeed yet not carnally and corporally but spiritually receive and feed upon Christ crucified and all benefits of his death the body and blood of Christ being then not corporally or carnally in with or under the bread and wine yet as really but spiritually present to the faith of believers in that ordinance as the elements themselves are to their outward senses

8. ALTHOUGH ignorant and wicked men receive the outward elements in this sacrament yet they receive not the thing signified thereby but by their unworthy coming thereunto are guilty of the body and blood of the Lord to their own damnation wherefore all ignorant and ungodly persons as they are unfit to enjoy communion with him so are they unworthy of the Lords table and cannot without great sin against Christ while they remain such partake of these holy mysteries or be admitted thereunto

#### CHAP. XXX. OF CHURCH CENSURES

1. THE Lord Jesus as King and head of his Church hath therein appointed a government in the hand of church officers distinct from the civil Magistrate

2. TO these officers the keys of the kingdom of heaven are committed by virtue whereof they have power respectively to retain and remit sins to shut that kingdom against the impenitent both by the word and censures and to open it unto penitent sinners by the ministry of the gospell and by absolution from censures as occasion shall require

3. CHURCH censures are necessary for the reclaiming and gaining of offending brethren for deterring of others from the like offences for the purging out of that leaven which might infect the whole lump for vindicating the honour of Christ and the holy profession of the gospell and for preventing the wrath of God which might justly fall upon the Church if they should suffer his covenant and the sealls thereof to be profaned by notorious and obstinate offenders

4. FOR the better attaining of these ends the officers of the church are to proceed by admonition suspension from the sacrament of the Lords supper for a season and by excommunication from the Church according to the nature of the crime and demerit of the person.

#### CHAP. XXXI. OF SYNODS AND COUNCILS

1. FOR the better government and further edification of the Church there ought to be such assemblies as are commonly called Synods or Councils

2. AS Magistrates may lawfully call a synod of ministers and other fit persons to consult and advise with about matters of religion so if Magistrates be open enemies to the Church the ministers of Christ of themselves by virtue of their office or they with other fit persons upon delegation from their Churches may meet together in such assemblies

3. IT belongeth to Synods and Councils ministerially to determine controversies of faith and cases of conscience to set down rules and directions for better ordering of the publick worship of God and government of his Church to receive complaints in cases of maladministration and authoritatively to determine the same which decrees and determinations (if consonant to the word of God) are to be received with reverence and submission not only for their agreement with the word but also for the power whereby they are made as being an ordinance of God appointed thereunto in his word
4. ALL Synods or Councils since the Apostles times whether generall or particular may err and many have erred therefore they are not to be made the rule of faith or practise but to be used as an help in both
5. SYNODS and councils are to handle or conclude nothing but that which is ecclesiasticall and are not to intermeddle with civil affairs which concern the Commonwealth unless by way of humble petition in cases extraordinary or by way of advice for satisfaction of conscience if they be thereunto required by the civil Magistrate

CHAP. XXXII. OF THE STATE OF MEN AFTER DEATH AND OF THE  
RESURRECTION OF THE DEAD.

1. THE bodies of men after death return to dust and see corruption but their souls (which neither die nor sleep) having an immortall subsistence immediatly return to God who gave them the souls of the righteous being then made perfect in holiness are received into the highest heavens where they behold the face of God in light and glory waiting for the full redemption of their bodies and the souls of the wicked are cast into hell where they remain in torments and utter darkness reserved to the judgement of the great day Besides these two places for souls seperated from their bodies the scripture acknowledgeth none
2. AT the last day such as are found alive shall not die but be changed and all the dead shall be raised up with the self same bodies and none other although with different qualities which shall be united again to their souls for ever
3. THE bodies of the unjust shall by the power of Christ be raised to dishonour the bodies of the just by his spirit unto honour and be made conformable to his own glorious body

CHAP. XXXIII. OF THE LAST JUDGEMENT

1. GOD hath appointed a day wherein he will judge the world in righteousness by Jesus Christ to whom all power and judgement is given of the Father In which day not only the apostate angels shall be judged but likewise all persons that have lived upon earth shall appear before the tribunall of Christ to give an account of their thoughts words and deeds and to receive according to what they have done in the body whether good or evil
2. THE end of Gods appointing this day is for the manifestation of the glory of his mercy in the eternall salvation of the elect and of his justice in the damnation of the reprobate who are wicked and disobedient for then shall the righteous go into everlasting life and receive that fullness of joy and refreshing which shall come from the presence of the Lord but the wicked who know not God and obey not the gospell of Jesus Christ shall be cast into eternall torments and be punished with everlasting destruction from the presence of the Lord and from the glory of his power
3. AS Christ would have us certainly to be perswaded that there shall be a day of judgement both to deter all men from sin and for the greater consolation of the godly in their adversity so will he have that day unknown to men that they may shake off all carnall security and be always watchfull because they know not at what hour the Lord will come and may be ever prepared to say Come Lord Jesus come quickly Amen

## CAP. 16.

[1690, *cap.* 13.]

## ACT Dischargeing Generall Letters of Horning

OUR Sovereigne Lord and Lady the King and Queens Majesties Considering the great Inconveniencies that may arise to the Leidges by generall Letters of Horneing Therefore their Majesties with advice and consent of the three Estates of Parliament doe discharge and prohibite the granting raiseing and using generall Letters of horneing except for their Majesties Revenue and for Ministers stipends upon decreits of Locality And declares that Generall Letters upon decreits for poynding of the ground may proceed as formerly

## CAP. 49.

[1690, *cap.* 20.]

## ACT anent the sale of Bankrupts Lands

OUR Sovereigne Lord and Lady and Estates of Parliament Considering that by the 17th Act 3d Parliament King Charles Second entituled Act concerneing the sale of Bankrupts lands It is statute that the Lords of session shall commissionate persones to sell the Lands and estates of Bankrupts with consent of the debtor where there is a legall reversione competent to him or without his consent where there is no legall whereby the said usefull Act is made ineffectuall no persone being willing to dispoone other mens Lands neither will the bankrupt ever consent with any such persone ffor remeid whereof Their Majesties with consent of the saids estates statute enact and Declare that the buyers of Bankrupts estates shall have Right thereto by the decreit of sale to be pronounced by the Lords Adjudging the Lands sold to the buyer for the pryce decerned and that the buyer shall thereupon be infett in the same way as upon other adjudications and that the sale may proceed so soone as it shall be found that the debtor is bankrupt and utterly insolvent whether the Legall be expyred or not And that if no buyer be found at the rate determined by the Lords it shall be leosome to the saids Lords to divide the Lands and other rights amongst the Creditors according to their severall rights and diligences And because the sale may be obstructed by donators of Liferent Escheit the saids Lords are hereby Impowered to determine the price and value of the saids liferent escheits and to sell Lands for the pryce thereof according as the saids Rights shall be found to have preference

## CAP. 53.

[1690, *cap.* 23.]

## ACT concerning Patronages

OUR Sovereigne Lord and Lady The King and Queens Majesties . . . . Doe . . . . with the advyce and consent of the Estates of Parliament heirby . . . . statute enact and declare that the Right of the Teinds of the . . . . parishes which are not heretably disposed shall be vertue of this present Act belong to the . . . . patrons with the burden alwayes of the Ministers stipends tacks and prorogations already granted of the said teinds and of such augmentations of stipends future prorogations and erections of new kirkes as shall be found just and expedient Provyding the saids patrons getting right to the teinds be vertue of this present Act and who had no right thereto of before shall be Lykeas they are heirby obleidged to sell to each heretor the teinds of his owne Lands at the rate of six yeares purchase as the same shall be valued by a Commissione for valuatione of Teinds And whereas there are

certaine lands and annuellrents holden of the saids benefices and beneficed persones from which the patrons might have some benefite aryseing to them It is hereby ordained That the right of superioritie of the saids Lands and annuellrents shall belong to their Majesties in all tyme comeing with all the whole casualities and emoluments thereof notwithstanding of any former act of Parliament in the contrair Reserveing notwithstanding to the patrons the few fermes and few maills of the said superiorities ay and while they receive payment and satisfactions from their Majesties of the pryce thereof at the rate of 1000 merkes for each Chalder of victuall overhead and for each hundreth Merkes of few Maill except where the said few fermes are a part of the ministers modified stipend or where the minister is and has been in possession thereof by the space of ten yeares or where he has the full benefice In which cases they are to be irredeimable Excepting lykewayes from this Act the superiorities belonging to the Deanrie of Hamiltone and the provostrie of Bothwell whereunto the Duke of Hamiltone has right which are no wayes hereby prejudged

[*In part rep.*, 10 *Anne c. 21 and 6 Ed. 7 c. 38 (S.L.R.).*]

---

CAP. 56.

[1690, *cap. 26.*]

ACT anent the Confirmation of Testaments

OUR Sovereigne Lord and Lady the King and Queens Majesties and three Estates of Parliament Considering the great vexatione occasioned to their Majesties Leidges by Commissars and their Clerks fiscalls and officers chargeing them to confirme the Testaments of their decest Relations Doe hereby discharge and forbid in all tyme comeing all Commissars and their fiscalls Clerkes and officers to Charge pursue or require any persone to confirme the Testament or give up Inventory of the goods of any other persone defunct except at the instance of the Relict bairnes nearest of Kin and their Tutors and Curators or of a Creditor Declareing all charges pursuites and executions otherwise made and given to be void and Null And farder Their Majesties with consent forsaid Declare that where speciall assignations and dispositions are lawfully made by the defunct tho neither intimate nor made publick in his lifetime they shall be yet good and valid rights and titles to possess bruike enjoy pursue or defend Albeit the soumes of money or goods therein contained be not confirmed without prejudice alwayes to the competitione of Creditors and others and of their rights and diligences as formerly before the makeing heirof

---

CAP. 61.

[1690, *cap. 32.*]

ACT in favours of the small vassalls of Kirklands who now hold of their Majesties

. . . . as to vassalls of Kirklands in Orkney and Zetland where their valuatione does not exceed twenty pounds Scotts It is hereby declared that they shall bruike by the Udall Right without necessitie of Renovatione of their Rights and infestments

[*In part rep.*, 6 *Ed. 7 c. 38 (S.L.R.).*]

## CAP. 63.

[1690, *cap.* 30.]

## ACT and Commission for Plantation of Kirks and Valuation of Teinds

FORASMUCH as for the Maintenance and provisione of the Ministry and Churches within this Kingdome and for preventing and settleing of differences that did or might arise betwixt Titulars and others haveing right to teinds and heretors concerning the leading and drawing of their teinds diverse lawes and Acts of Parliament were made in the year of our Lord 1633 And since that tyme diverse Acts of Parliament and Commissions have been renewed and given to that purpose And their Majesties being resolved and desyreous to prosecute so good a worke for the universall good of their subjects and especially for the encouragement of the Ministers of the gospell Therefore Their Majesties with advyce and consent of the Estates of Parliament Gives full power and Commissione to his Majesties officers of state for the tyme being and to the Earles of Argyle Crawford Sutherland Cassills Lothian and Levin The Viscount of Staire The Lords Cardross and Ruthven Sir Patrick Hume of Polwart The Laird of Lamingtoun Alexander Monro of Beircrofts The Lairds of Grant and Brody Sir Thomas Burnet of Leyes Sir John Maxwell Sir Archbald Murray of Blackbarony and Mr Francis Montgomery of Giffin Sir John Hall of Dunglass John Muire Provost of Aire Alexander Spittle of Leuchett Master John Murray Advocate Master James Smollet Provost of Dumbartoun Sir Thomas Stewart Sir James Ogilvie of Churchill advocate Sir William Hamiltone advocate and Sir Patrick Murray of Saltcoats or any nyne of them to be a Quorum whereof two of every state with one of the officers of state to meet and convene at Edinburgh the second wednesday of November nextcome and such other place or places tyme or dyets as they shall appoint to value and cause to be valued whatsoever teinds great or small personage or viccarage within this kingdome which are yet unvalued and whither the same be in the hands of or in use to be drawne by titulars tacksmen ministers or any other whatsoever pretending right to other mens teinds Declareing that in all cases the heretor shall have a joynt probatione and that where the viccarage of any paroch is a severall benefice and title from the parsonage the same shall be severally valued to the effect the titulars or ministers serveing the Cure haveing right to the said viccarage be not frustrate of the true worth thereof With power to the saids Commissioners or Quorum foresaid to appoint Committies or sub Committies of their owne number and to grant Commissione and to receive reports from them and to approve or disapprove the samen as they thall finde just And to rectifie whatsoever valuations led or to be led to the enorme prejudice either of the heretors or of the titulars or to the hurt and detriment of the Church and prejudice of the ministers maintenance and provisions Provydeing alwayes Lykeas it is hereby expresly provyded and declared That where valuations are lawfully led against all persons haveing interest and allowed by former Commissions the same shall not be drawne in questione nor rectified upon pretence of enorme lesione at the instance of the Minister (not being titular) or at the instance of his Majesties advocate in respect of his Majesties Annuity except it can be proven that collusion was used betwixt the titulars and heretors or betwixt the procurator fiscall and the Heretors and titulars which collusion is declared to be when the valuations are led with the diminution of the third part of the just Rent which was payable the tyme of the valuatione which diminution shall be proven by the parties oath And with power to the saids Commissioners or quorum foresaid where ministers are not already sufficiently provyded or have not locality already assigned to them for their stipends out of the teinds within the paroches where they serve the Cure according to the quantities proportioned and rules contained in the 19th act of the Parliament 1633 to modifie settle and appoint constant locall stipends to each minister out of the teinds of the paroch where they serve the Cure with power also to the saids Commissioners to grant recompence by prorogation of Tacks to parties for all augmentations of stipends which are granted since the year 1630 or shall be granted and that effeiring to the augmentations already granted or to be granted as the saids Commissioners shall thinke fitt And

Sicklike to disjoine too large and spacious paroches to cause erect and build new Churches to annexe and dismember Churches as they shall thinke convenient and to take order that every heretor and liferenter shall have the leading and buying of their owne teinds if they be willing according to the Rules prescribed by the 19th Act and Commissione granted by his Majestie with consent of the Estates of Parliament in anno 1633 and the Acts of Parliament therein mentioned extending the same to all teinds except such as belong to and are possess be Ministers for their stipends and provisions which are only to be valued but not to be sold or bought with power to determine all questions concerning the pryces of teinds betwixt titulars and others haveing right thereto and the heretors And to appoint such securities in favours of titulars and others haveing right to teinds for their pryces to be granted by the heretors and others lyable in payment of valued duties or buyers of the saids teinds and in favours of the Ministers as to their maintenance as the saids Commissioners shall thinke fitting according to the rules set downe in the said act 1633 And each heretor whose teinds belongs to titulars of Ereccion or to patrons according to the Act made in this Parliament or to any other haveing right thereto by infeftment tack or otherwayes not being both minister and titular to have power and liberty to buy the teinds of his owne Lands whether valued or not from the saids titulars patrons tacksmen and others haveing right thereto according to the rates formerly appointed and the nature and value of the sellers right to be determined by the Commissioners abovespecefeit And generallie with power to the saids Commissioners to decyde and determine in all other points which may concerne the drawing or leading of Teinds the valueing selling or buying of the same or payment of the Rates thereof And if any person or persons shall finde themselves grieved and complaine of the unjustice or exorbitancie of any decreit or sentence already given in any of the former Commissions with power to the saids Commissioners to take the same into their consideratione and alter annull or allow the saids decreits and sentences as they shall find just And it is alwayes provyded and declared that the Ministers of the gospell and their successors shall not be prejudged of the stipends either at present possess be them or already modified or to be modified to them according to the Rates above mentioned And whereas it may fall out That some of the Commissioners may be unable to attend the service throw death sickness or other knowne impediment Therefore their Majesties declare That they shall be cairfull to fill their places with other persones qualified whose oaths for faithfull discharging of the same shall be taken by the Lord Chancellor or in his absence by the Lord President of the Commissione for the tyme And ordaine this present Commissione to endure ay and while the same be discharged be their Majesties and the Acts decreits and sentences theirot to have the force strenth and effect of a decreit or sentence of Parliament And the Lords of Session to grant letters of horneing poynding and others necessary to be direct upon the saids decreits and sentences in manner contained in the forsaid Commissione And their Majesties with consent forsaid hereby discharges all former Commissions declaringe the same to be expyred

---

PARLIAMENT AT EDINBURGH, 18TH APRIL 1693.

## CAP. 21.

[1693, cap. 12.]

## ACT concerning Citations to the first and second Dyets

. . . . It is hereby expressly provyded That all Copies of Summonds Charges Inhibitions Arrestments or other Letters whatsoever given to the Party shall bear at length and not in figures the day and date of the delivery thereof As also the names and designations of the Witnesses in such sort as the Execution and Indorsation did and doth bear the same Certifyeing the Messenger who shall omitt to insert the said day and date and witnesses in his Copy that he shall incurre deprivation and tinsell of his Office

[In part rep., 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 22.

[1693, *cap.* 13.]

## ACT concerning the preference of Real Rights

OUR Sovereigne Lord and Lady The King and Queens Majesties for the better clearing and determining of Competitions and Preferences of Reall Rights and Infettments Do hereby with advice and consent of the Estates of Parliament Enact Statute and Declare That All Infettments whether of property or annual-rent or other Reall Rights wherupon Sasines for hereafter shall be taken shall in all Competitions be preferable and preferred according to the date and priority of the Registrations of the Sasines without respect to the distinction of Base and publick Infettments or of being clad with possession or not clad with possession in all time coming

## CAP. 23.

[1693, *cap.* 14.]

## ACT concerning the Registers of Sasines Reversions &amp;c.

OUR Sovereigne Lord and Lady The King and Queens Majesties Considering That the many good Acts appointing Registers of Sasines Reversions Hornings Inhibitions Interdictions Allowances of Apprizings or Adjudications that Purchasers and Creditors might know with whom they might safely contract have been much frustrated by the Keepers of the Registers not inserting the same in the Registers at the time and in the order they were presented to them whereby none could know by Inspection of the Registers what Writs appointed to be registrate were in the hands of the Keepers of the Registers and thereby could not securely bargain For Remeed whereof Their Majesties with advice and consent of the Estates of Parliament Doe Statute and Ordain That all the Keepers of the said Registers shall keep Minute Books of all Writs presented to them to be registrate in their severall Registers Expressing the day and houre when and the names and Designations of the persons by whom the saids Writs shall be presented and that the said minute be immediately signed by the presenter of the Writ and also by the Keeper and patent to all the Lieges who shall desire Inspection of it gratis And that the Writs shall be registrate exactly conform to the Order of the said Minute Book All under the pain of Deprivation of the Keeper of the Register And further Their Majesties with consent forsaid Declare the saids Keepers not observing the premises lyable to the damage of the Parties prejudged by the not due observing of this present Act

## CAP. 24.

[1693, *cap.* 15.]

## ACT for Summar Registrations and Discharging Transferrings activè

OUR Sovereigne Lord and Lady The King and Queens Majesties with Advice and Consent of the Estates of Parliament Statute and Declare That all Writs registrable may be registrate after the death of the Creditor at the Instance of his Heir Executor or Assigney as well as of before and that upon production of a Service or Retoure in the case of Bonds or other Writs heretable or of a Confirmed Testament containing the Bond or other Writ In case they be moveable or of a speciall Assignment tho not Intimate In the case of either which Registration shall have the same effect both as to probatation and summar Execution as if the Creditor were still on life And farther It is Statute That if it shall happen the pursuer to decease at any time durning the

dependence of any process raised at his instance there shall be noe need for hereafter for his Heir Executor or Assigney to raise and obtaine a transferring activè but the said Heir Executor or Assigney is hereby allowed upon production of his Service or Retour Confirmed Testament or Speciall Assignment tho not intimate to insist in the principall cause sicklike in all respects as the Pursuer at whose Instance the process was raised might do if he were still on Life but prejudice to Transferrings passivè conform to the former practique as accords

## CAP. 31.

[1693, *cap.* 18.]

ACT anent the Signing of Interlocutors immediatly after Voting

OUR Sovereigne Lord and Lady The King and Queens Majesties Considering the great delay of Justice and Expenses sustained by the Lieges and the trouble that the Lords of Session are often put to by mistakes that arise from the method of wording and writing Interloquitors For Remeed whereof Their Majesties with advice and consent of the Estates of Parliament Statute and Ordain That . . . presently after voting at least at that Dyet . . the Interloquitor be written by the Clerk upon the process and read and signed by the Lord Chancellor or President for the time before a Quorum of the Lords sitting in Judgement, Declaring all Interloquitors and the Minutes of Definitive Sentences which shall not be written and signed in manner above mentioned shall be null and voyd and the Writer and Signer thereof shall incur the pain of Deprivation

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 38.

[1693, *cap.* 22.]

ACT for Setling the Quiet and Peace of the Church

OUR Sovereigne Lord and Lady The King and Queens Majesties with Advice and Consent of the Estates of Parliament Ratify Approve and perpetually Confirme the fyfth Act of the Second Session of this Current Parliament Entituled Act Ratifying the Confession of Faith and Settleing Presbyterian Church Government In the whole Heads Articles and Clauses thereof And do further Statute and Ordaine that no person be Admitted or continued for hereafter to be a minister or preacher within this Church unless that he having first taken and Subscribed the Oath of Allegiance and Subscribed the Assurance in manner appointed by another Act of this present Session of Parliament made thereanent Do also subscribe the Confession of Faith Ratified in the forsaid fifth Act of the Second Session of Parliament Declaring . . . likewise that he owns and acknowledges Presbyterian Church Government as settled by the forsaid fifth Act of the Second Session of this Parliament to be the only Government of this Church And that he will submitt thereto and concurre therewith and never endeavour directly or indirectly the prejudice or subversion thereof And their Majesties with Advice and Consent forsaid Statute and Ordain that Uniformity of Worship and of the Administration of all publick Ordinances within this Church be Observed by all the saids Ministers and Preachers as the samen are at present performed and allowed therein or shall be hereafter Declared by the Authority of the same And that no minister or preacher be admitted or continued for hereafter unless that he subscribe to observe and do actually observe the fressaid Uniformity And . . . Their Majesties with Advice and Consent forsaid Doe Hereby Statute and Ordaine

that the Lords of their Majesties Privy Councill and all other Magistrates Judges and Officers of Justices give all due assistance for making the Sentences and Censures of the Church and Judicatures thereof to be obeyed or otherways effectuell as accords

[*In part rep.*, 5 *Ed.* 7 c. 12 and 6 *Ed.* 7 c. 38 (*S.L.R.*.)]

---

CAP. 39.

[1693, *cap.* 23.]

ACT Renewing the Commission for Plantation of Kirks and Valuation of Teinds

OUR Sovereigne Lord and Lady The King and Queens Majesties Considering that by the thirtieth Act of the Second Session of this current Parliament there was a Commission granted for Plantation of Kirks and valuation of Teynds which not being as yet made effectuell Therefore the King and Queens Majesties with advice and consent of the Estates of Parliament Ratifies and Renues the said Commission with the whole power thereby granted to the Commissioners therein named with three to be added of every Estate by their Majesties Nomination making in all Thirty six besides the Officers of State who are Supernumerary and any twelve of them to be a Quorum whereof two of every Estate with one of the Officers of State And Confirms the whole tenor and effect of the forsaide Commission in manner and to the end specified in the said Act with this Addition that whereas there is a great difference as to Teynds whereof the right has never come in the person of the Heritor of the Lands and those Teynds whereof the right has come in the person of the Heritor and the lands thereafter sold or feued out by the Heritor Reserving the Teynds or where the Teynds are not dispoed that in such a case the Heritor who sold or feued out the Lands should no more be obliged to sell those Teynds than a Superior or other Heritor can be obliged to sell his feu duties or any other right of property that he has reserved when he sold or feued out the Lands Therefore It is Statute and Ordained that this Commission shall not be extended as to the selling or buying of such Teynds whereof the right has once been in the person of the Heritor of the Lands and which Lands were thereafter sold or feued out by the Heritor with the reservation of the right of the Teynds or without Dispoing of the said Teynds without prejudice always to the Vassall or Heritor of the Lands to value these Teynds in the termes of the said Act and Commission and only be lyable thereafter for payment of the valued Duties As also It is Declared that the said Commission shall not be extended to the buying or selling of Teynds which formerly pertained to the Bishops and now belong to their Majesties by the abolition of Prelacy so long as the said Teynds shall remain in their Majesties hands undispoed nor to Teynds belonging to Colledges and Hospitalls or mortified or destinate for pious uses without prejudice to value the saids Teynds conform to the forsaide Act and be only lyable thereafter for payment of the valued Duties And because the buying of Teynds in favours of Heritors hath been much hindered by Patrons Titulars and Tacksamen of Teynds their offering to allocate the Teynds of the Heritor pursueing for a Sale after Citation given It is hereby Statute and Ordained that after Citation it shall not be in the power of the forsaide Patrons Titulars or Tacksamen to make any Allocation of the pursuers Teynds solely but only proportionally of his and the other Teynds within the parochie and within his right Excepting allways that the Teynds of the Lands belonging in property to the Patron Titular or Tacksman shall be free of any parte of the said Allocation if there be sufficient Teynd beside And whereas many tymes Heritors intent Action for the valuation of their Teynds against the Titulars and others having right thereto of designe only that upon pretence of ane depending Action for valuation they may get a Warrant for leading of their own Teynds and thereafter suffers the Action for valuation to lye over and doe not insist therein by which the Titulars and others having right to the Teynds are exceedingly prejudged For Remeed whereof It is Statute and Ordained that any Warrant to be granted

hereafter by the Commission to Heritors for leading of their Teynds shall endure only untill a protestation for not insisting be obtained at the Instance of the Defender . . .

[*In part rep.*, 6 Ed. 7 c. 38 (*S.L.R.*).]

## CAP. 40.

[1693, *cap.* 24.]

## ACT anent the Term of Whitsunday

OUR Sovereigne Lord and Lady The King and Queens Majesties with advice and consent of the Estates of Parliament for further clearing the Thirty nyth Act of the Second Session of this current Parliament Statute and Declare that the Fifteenth day of May was since the date of the forsaid Act and shall be in all time comeing in place of the former Terme of Whitsunday to all effects whatsoever as well as to Removeings

## CAP. 41.

[1693, *cap.* 25.]

## ACT anent Parsonages

OUR Sovereigne Lord and Lady The King and Queens Majesties Considering that by the Twenty third Act of the Second Session of this current Parliament concerning Patronages It is Statute and Declared that the right of the Teynds of paroches whereof Patrons had formerly the presentation by that Act abolished and which Teynds are not heritably dispoed should by virtue of that Act belong to the Patrons with the burthen always of the Ministers Stipends and others therein expressed and that it is just and reasonable that the said benefite should be extended to the Patrons of all Parsonages and other Benefices without exception Doe Therefore with advice and consent of the Estates of Parliament Statute Ordaine and Declare that the forsaid right of the Teynds granted to Patrons as said is shall be extended to the Teynds of all Parsonages and other Benefices and that the same shall belong to the Patrons with the burthen specified in the said Act and further with the burthen of provisions to two Ministers in one paroche if the Commission shall think fitt Providing always that where the beneficed person being a Minister having a Cure is in possession of the forsaid Teynds as Titular thereof he shall continue and remain in the possession thereof ay and whill the forsaid Patrone shall obtain a just and reasonable Stipend to be modified and settled upon him by the Commission for Plantation of Kirks in lieu of his said right to the Teynds hereby granted to the Patrone as said is which right shall be without prejudice of any other separate right that the saids Patrons either have or may have to the saids Teynds as accords of the Law

## CAP. 42.

[1693, *cap.* 26.]

## ACT anent the Lords of Session their Advising with open doors

OUR Sovereigne Lord and Lady The King and Queens Majesties Considering that the Advising of Causes with open Doors is usuall in the Sovereigne Judicatories of other Nations and that the like practice here will be of advantage to the Lieges Doe with

advice and consent of the Estates of Parliament Statute and Ordaine That in all tyme comeing all Bills Reports Debates Probations and others relating to processes shall be considered reasoned advised and voted by the Lords of Session with open doors where parties procurators and all others are hereby allowed to be present as they used to be formerly in time of Debates but with this restriction that in some speciall cases the saids Lords shall be allowed to cause remove all persons except the parties and their procurators and that no person presume to speake after the Lords begin to advise under the pain of imprisonment unless he be desyred by the Lords . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 43.

[1693, *cap.* 27.]

ACT anent Advising Criminal Processes with open doors

THE King and Queens Majesties and Estates of Parliament Considering that by the Nyntieth Act Parliament Eleaventh King James the Sixth It is Statute Declared and Ordained that the hail Accusation Reasoning Writes Witnesses and other Probation and Instruction whatsoever of the cryme shall be alledged reasoned and deduced to the Assize in the presence of the party accused in face of judgement and no otherways And it being fitt and convenient for the Lieges that Criminall Tryalls which are of so great import be solemne and publick Doe Therefore Statute and Ordaine that after the Debate concerning the Relevancie of Criminall Lybells Dittays or Exculpations made by the parties and their procurators are closed that the Commissioners of Justiciary and other Criminall Judges shall advyse the same with open Doors in presence of the Pannell and Assyse and all others and that no person nor persons presume to speak unless he be desyred or interrupt or disturb the Court by noyse or any other manner of way under the pain of being sent to prison and ffyned at the Judges discretion as they shall think fitting any Law or Custome to the contrair hereof notwithstanding Declaring always that in the cases of Rapt Adulterie and the like the saids Commissioners may continue their former use and custom by causeing remove all persons except parties and procurators at the leading of the probation as they shall see cause

---

CAP. 45.

[1693, *cap.* 28.]

ACT anent the Common Good of Royall Burrowes

OUR Sovereigne Lord and Lady the King and Queens Majesties Considering that the Royall Burroughs of the Kingdome erected and provyded with their respective publick Goods and Revenues by their Majesties Royall Ancestors are of late through the male-administration of the Magistrates and others to whom the Management of the said publick Goods and Revenues hath been committed fallen under great debts and burthens to the diminution of the dignity of Estate of Burroughs and the disableing them to serve the Crowne and Government as they ought and that the Care Oversight and Controll of the said publick Goods and Revenues and of the Administration thereof doth undoubtedly belong to their Majesties by virtue of their Prerogative Royall Have thought fitt to Declare in plain Parliament Likeas they doe hereby Declare that also well for what is past as in time comeing Their Majesties will give Commissions one or more to such persons as they shall be pleased to nominate to inquire into the Condition and State of the Common Good and Revenues whatsoever of all the Royall Burroughs and how the samen hath been heretofore or shall be

hereafter employed or misemployed and to call the malversers and misemployers to make accompt and to Ordaine and Decerne them and every one of them to refund and repay or otherways repair the Burrough or Burroughs by them lesed as the saids Commissioners shall find them lyable And Their Majesties with advice and consent forsaid Declare That the Acts and Sentences of the saids Commissioners shall have the strength and effect of Acts and Sentences of the Court of Exchequer . . . And farder that it shall not be lawfull for hereafter to the Magistrates and Town Councill of any Burgh Royall to contract any Debt or give Bond for the samen Obligeing them and their Successors in Office without a previous Act made in the Town Councill in their fullest Convention . . . . Condescending upon the Causes and Uses for which the saids Debts are contracted and Bonds granted Certifying the forsaid Magistrates and others who shall contract Debts and grant Bonds without the said previous Act or if the causes and uses condescended on in the said Act shall not be found to be just true and reall that in any of the saids Cases the saids Contractors and Subscribers shall be personally lyable they and their heirs and successors in their private Fortunes to relieve and disburthen the Town of the saids Debts and that by Decreete of the Lords of Session at the instance of any Burgess of any of the saids Burroughs who hath borne the Office of Provest Baillie or Dean of Gild within the samen but prejudice always to the Right and Security of the party Creditor as likeways but prejudice to any private persons Rights as to any of the saids Burghs as accords

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

CAP. 51.

[1693, *cap.* 30.]

ACT AND RATIFICATION anent the Communication of Trade to Burghs of  
Barony and Regality

FORASMUCH as the Convention of the Royall Burrowes Holden At Dundee the Thirteenth of July One thousand Six Hundred and Nyntie two being willing to communicate the Benefite of Trade allowed to them by the Laws and Acts of Parliament in favours of Burroughs of Regalities Baronies and others that could relieve them of a proportionall part of the Burthen imposed upon Trade did by a Contract of the Date the                      day of                      One thousand Six hundred                      years Grant Power and Commission to Master John Buchan Advocate their Agent and to his substitutes for whom he shall be answerable for the space of three or five years in the option of the said Mr John to cause put the Act of Parliament made in their favours upon the fourteenth day of June One thousand Six hundred and Nyntie years to execution against unfree Traders and to apply all the ffynes Penalties and Casualties to his and their own use [and behove and to Communicate the benefite of trade to Burghs of Regalities Barronies and vthers durement the said space] as he should think fitt reserving always power to the Royall Burroughs for the freedome and priviledge of Trade to grant the same upon such Compositions as they shall think fitt provyding allways the saids Compositions were payed in to the said Master John ffor which he is obliged to relieve the saids Royall Burroughs during the space forsaid of ten pounds of the Hundred pounds of the Taxt Roll imposed upon the Royall Burroughs by Act of Parliament as the said Contract more fully bears OUR SOVERAIGNE LORD and LADY and the Estates of Parliament considering how just and advantageous Communication of Trade will be to the haille Lieges when the same is granted by the Royall Burroughs for relief of a proportionall parte of the burthen imposed upon them for their Trade Therefore their Majesties with advice and consent of the Estates of Parliament Doe Ratify Approve and Confirme the said Contract in its haille heads Clauses and Articles above written And their Majesties with advice and consent forsaid Statute and Ordaine that sicklike execution shall pass against the Burghs of Regalities Baronies and others for inbringing the proportions of the burthen to be

payed by them for relief of the Royall Burroughs which any of them hath already or hereafter shall agree unto in consideration of the benefite of Trade communicate to them sicklike and in the same manner as is usuall for inbringing of the Cess payable to their Majesties by the Royall Burroughs and farder their Majesties with advice and consent forsaid Doe hereby expressly Statute and Ordain that after the expyreing of the forsaid Contract betwixt the said Royall Burroughs and Mr John Buchan their Agent the forsaid Communication of Trade shall continue and be perpetuate unto the saids Burghs of Regalities Baronies and others upon the paying or relieving the Royall Burroughs of a just proportion of the hundred pound of the Taxt Roll imposed upon them by Act of Parliament effeirand and correspondent to their Trade and which proportion shall be equally condescended upon by the said Royall Burroughs at their first generall meeting after expiration of the said Contract and thereafter as often as they meet for altering of their Taxt Roll and in case any mistake or inequality shall happen in the adjusting the said proportion to be payed by the Burghs of Regalities Baronies and others conform to the Trade as aforesaid then and in that case the said Burghs are hereby allowed to apply themselves to the Parliament for regulateing and determineing the forsaid Quota according as they shall see just and upon the Division swa to be made of the said Quota then the said Royall Burroughs are to distribute and proportion the samen amongst the saids Burghs of Regalities Baronies and others according to their respective Trades . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (*S.L.R.*).]

## ACTA PARLIAMENTORUM GULIELMI.

---

PARLIAMENT AT EDINBURGH, 9TH MAY 1695.

### CAP. 6.

[1695, *cap.* 4.]

#### ACT anent the Justice Court

OUR Sovereign Lord for the better Regulating of the Justice Court and facilitating and more sure ordering of the form and method of processes therin used Do therefore with advice and consent of the Estates of Parliament Statute and Ordain that in all time coming the use and custom hitherto observed in that Court of Advocats or Procurators their dictating and the Clerks writing of the Defences Duplyes Triplyes Quadruplyes and so furth for the defender and pursuer be discharged and laid aside And that in place thereof His Majesty's Advocat or other Advocats or Procurators for the Pursuer with the Advocats or Procurators for the Defender or Pannell debate the relevancy viva voce . . . . And his Majesty with advice and consent forsaid Ratifies approves and confirms the whole rights powers and priviledges of the said Court of Justice and of the Lord Justice General Lord Justice Clerk and other Judges and all other members therof . . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

---

### CAP. 7.

[1695, *cap.* 5.]

#### ACT anent Principals and Cautioners

HIS Majesty and the Estates of Parliament considering the great hurt and prejudice that hath befallen many persons and families and oft times to their utter ruine and undoing by mens facility to ingage as Cautioners for others who afterwards failing have left a growing burden on their Cautioners without relief Therefore and for remead therof His Majesty with advice forsaid Statutes and Ordains that no man binding and ingaging for hereafter for and with another conjunctly and severally in any bond or Contract for sommes of money shall be bound for the said sommes for longer than seven years after the date of the bond bot that from and after the said seven years the said Cautioner shall be eo ipso free of his Caution And that whoever is bound for another either as express Cautioner or as Principal or Co-principal shall be understood to be a Cautioner to have the benefit of this Act providing that he have either clause of relief in the bond or a bond of relief a part intimat personally to the Creditor at his receaving of the bond without prejudice allways to the true principals being bound in the whole contents of the bond or Contract As also of the said Cautioners being still bound conform to the terms of the Bond within the said seven years as before the making of this Act As also providing that what legal diligence by Inhibition Horning Arrestment Adjudication or any other way shall be done within

the sevin years by Creditors against their Cautioners for what fell due in that time shall stand good and have its course and effect after the expiring of the sevin years as if this Act had not been made

## CAP. 8.

[1695, *cap.* 6.]

## ACT Regulating the Sale and Payment of Bankrupts Estates

HIS MAJESTY with advice and consent of the Estates of Parliament for the further clearing and explaining of former Lawes anent the Sale of Bankrupts Estates Statutes Enacts and Declares that it shall be lawfull to all purchasers of Bankrupts Estates after the space of one year counting from the Decreet of Sale after the term of Whitsunday One Thousand Six hundred and nyntie Six years to consign the whole price offered with the annualrent due at the time of the Consignation or so much therof as remains in the hands of the purchaser over and above what is warrantably payed to Creditors preferred by the Lords of Session . . . . And because purchasers of Lands affected with liferents have retention of a share of the price It is hereby declared that the purchaser shall be allowed to consign what remains in his hands after the deceas of the Liferenter . . . . he alwayes making due intimation of the Consignation to the Creditors who got the rest of the price And his Majesty with Consent forsaid Statutes enacts and Declares that the purchaser paying the price offered to the Creditors according as they are or shall be ranked and preferred by the Lords of Session or consigning the same . . . . shall be forever exonerated and the Security given for the price shall be delivered up to be cancelled and the Lands and others purchased and acquired disburdened of all debts or deeds of the Bankrupt or his predecessors from whom he had right and that the Bankrupt his heirs or appearand heirs or Creditors without exception of minority not compearing or conceaving themselves to be prejudged shall only have access to pursue the receavers of the price and their heirs and reserving to the minor lased his relieffe as accords . . . . As also in case any debate remain undetermined amongst the Creditors anent their preferences it shall be lawfull to the saids Lords upon application of the saids Creditors to grant warrand for uplifting and imploying the soumes consigned upon sufficient Security bearing annualrent

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*.)]

## CAP. 35.

[1695, *cap.* 22.]

## ACT against Intruding into Churches without a Legal Call and Admission thereto

OUR Sovereign Lord Considering That Ministers and Preachers their Intruding themselves into vacant Churches Possessing of Manses and Benefices and exerceing any part of the Ministerial function in Paroches without a legal Call and Admission to the saids Churches is an high contempt of the Law and of a dangerous consequence tending to perpetuat Schism Therefore His Majesty with advice and consent of the Estates of Parliament Statutes and Declares that whoever hereafter shall intrude themselves into any Church or shall possess Manse or Benefice or shall exercise any part of the Ministerial function within any Paroch without an orderly Call . . . . and legal Admission from the Presbytrie within whose bounds it lyes shall be incapable of enjoying any Church or Stipend or Benefice within this Kingdom for the space of sevin years after their removal from the Church and quitting possession of the Stipend and Benefice into which they intruded Likas his Majesty with advice and consent forsaid does hereby Remitt the Execution of this present Act to Shirriffs Stewarts

Baillies of Bailiaries and Regalities and their Deputs and to Magistrats of Burrowes Royal who are hereby Authorized and required to Remove and Declare incapable ut supra all these who shall hereafter intrude into Churches within their respective Jurisdictions upon complaint from the Presbytrie or any person having Warrant from the Presbytrie within whose bounds the saids intrusions shall happen to be made hereafter and that upon Citation of ten dayes Ordaining hereby Letters of horning and Caption to be direct in communi forma upon Decreets to be given by the saids inferiour Judges for compelling the saids Intruders to remove from the saids Churches and Manses and to quit possession of the saids Stipends and Benefices and to desist and ceass from exerceing any Ministerial Acts within the saids Paroches into which they shall hereafter intrude . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 36.

[1695, cap. 23.]

ACT anent Lands lying Run-rig

OUR Sovereign Lord and the Estates of Parliament Taking into their Consideration the great Disadvantage arising to the whole Subjects from Lands lying run-rig and that the same is highly prejudicial to the Policy and Improvement of the Nation by planting and inclosing conform to the several Lawes and acts of Parliament of before made thereanent For remeid wherof His Majesty with the Advice and Consent of the said Estates Statutes and Ordains that wherever Lands of different Heretors ly run-rig it shall be leisum to either party to apply to the Shirriffs . . . . or Justices of Peace of the several Shires where the Lands ly to the effect that these Lands may be divided according to their respective interests who are hereby appoynted and authorized for that effect And that after due and lawfull Citation of all parties concerned at an certain day to be prefixed by the said Judge or Judges It is alwayes hereby Declared That the saids Judges in making the forsaid Division shall be and are hereby restricted so as special regaird may be had to the Mansion houses of the respective Heretors and that there may be allowed and adjudged to them the respective parts of the Division as shall be most commodious to their respective Mansion houses and Policy and which shall not be applicable to the other adjacent Heretors As also it is hereby Provided and Declared That thir presents shall not be extended to the Burrow and Incorporat Acres bot that notwithstanding hereof the same shall remain with the Heretors to whom they do belong as if no such Act had been made

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 51.

[1695, cap. 27.]

ACT concerning the Church

OUR Sovereign Lord . . . . with the advice and consent of the Estates of Parliament . . . . for the greater encouragement of all Ministers of the Gospel not only Ratifies the Act of Parliament One thousand Six hundred and Sixty nyne forbidding all Suspensions of Special Decreets and Charges for Ministers stipends or the rents of their benefices except on production of Discharges or upon Consignation in manner therein provided But further Statutes and Ordains that there be no Advocation or sist of proces granted of actions for the said stipends or rents or benefices when persued before inferiour Judges And that in the case of a Decreet there be neither

Suspension nor sist of execution granted except on production of clear Discharges or Consignation as said is And if any Suspension be past that the same be summarly disscust at the instance of the Charger without abiding the order and course of the Roll And that if the Letters be found orderly proceeded the Suspender be also Decerned at least in a fifth part more than the sums charged for with what more the Lords shall Judge reasonable to be payed to the Charger for his expenses and Damage And if any Minister shall happen to pursue for his Stipend by way of ordinary Action before the Lords It is hereby farther Ordained that the same be summarly proceeded in and Discussed without abiding the Course of the Roll . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 54.

[1695, *cap.* 30.]

ACT for Preservation of Meadows Lands and Pasturages lying  
adjacent to sand hills

OUR Sovereign Lord Considering that many Lands Meadows and Pasturages lying on the Sea Coasts have been ruined and overspread in many places of this Kingdom by sand driven from adjacent sand hills the which has been mainly occasioned by the pulling up by the Root of Bent Juniper and broom bushes which did loose and break the surface and serooffe of the saids hills and particularly Considering that the Barrony of Cowbin and house and yairds thereof lying within the Shirriffdom of Elgin is quite ruined and overspread with sand the which was occasioned by the forsaid bad practice of pulling the Bent and Juniper Therefore His Majesty with advice and consent of the Estates of Parliament for preventing of the like prejudices in time coming Does strictly Prohibit and Discharge the Pulling of Bent Broom or Juniper off sand hills for hereafter either by the proprietars themselves or any other whatsomever the same being the natural fences of the adjacent Countries to the saids hills Certifying such as shall contraveen this Act they shall not only be lyable to the damages that shall therthrough insue but shall likewise be lyable in the soum of ten pounds of penalty the one halfe thereof to belong to the Informer and the other halfe to the Judge within whose Jurisdiction the said Contravention shall be committed

---

CAP. 69.

[1695, *cap.* 38.]

ACT concerning the Dividing of Commonities

OUR Sovereign Lord with Advice and Consent of the Estates of Parliament for preventing the discords that arise about Commonities and for the more easie and expedit deciding thereof in time coming Statutes and Ordains that all Commonities excepting the Commonities belonging to the King and Royal Burrowes that is all that belong to his Majesty in property or Royal Burrowes in Burgage may be divided at the instance of any having interest by Summonds raised against all persons concerned before the Lords of Session who are hereby Impowered to disscuss the Relevancy and to determine upon the rights and interests of all parties concerned and to value and divide the same according to the value of the rights and interests of the several parties concerned and to grant Commissions to Shirriffs Stuarts Baillies of Regality and their Deputs Justices of Peace or others for perambulating and taking all other necessary probation Which Commissions shall be reported to the saids Lords and the saids processes ultimaty determined by them And where mosses shall happen to be in the saids Commonities with power to the saids Lords to divide the saids mosses amongst

the several parties having interest therein in manner forsaide or in case it be Instructed to the saide Lords that the saide mosses can not be conveniently divided His Majesty with consent forsaide Statutes and Declares the saide mosses shall remain common with free ish and entrie thereto whither divided or not Declaring also that the interest of the Heretors having right in the said Commonities shall be estimat according to the Valuation of their respective Lands or properties And which Divisions are appoynted to be made of that part of the Commonity that is next adjacent to each heretors property

---

CAP. 71.

[1695, *cap.* 40.]

ACT anent Letters passing the Signet

OUR Sovereign Lord with advice and consent of the Estates of Parliament for reviving and preserving the good order that ought to be kept in the passing of Writs under the Signet Statutes and Ordains that all Writs passing under the Signet called the Signet of the Lords of Session be subscribed by a Writer as Clerk to the said Signet Excepting allenuarly herefrom Letters of diligence in processes before the Session . . . which are to be subscribed by the Clerks of Session And his Majesty with advice forsaide prohibits the keeper of the said Signet to affix the same to any Letters not Subscribed as above any custom or practice in the contrary notwithstanding and that as he will be answerable upon his perrill

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

---

CAP. 72.

[1695, *cap.* 41.]

ACT anent Executry and Moveables

OUR Sovereign Lord Considering that the Law is defective as to the affecting with legal diligence the moveable Estate which pertained to a Defunct either for his own or his nearest of kins debt in such manner as a Defuncts heretage may be affected by charging to enter heir in the known manner Doth therefore with advice and consent of the Estates of Parliament Statute and Ordain that in the Case of a moveable Estate left by a Defunct and falling to his nearest of kin who lyes out and doth not confirm the Creditors of the said nearest of kin may either require the Procurator fiscal to confirm and assign to them under the perrill and pain of his being lyable for the debt if he refuse or they may obtain themselves Decerned Executors Dative to the defunct as if they were Creditors to him With this provision allwayes that the Creditors of the Defunct doing diligence to affect the said movable Estate within year and day of their debtors deceas shall alwayes be preferred to the diligence of the said nearest of kin And it is further Declared that in the case of any depending Cause or Clame against a Defunct the time of his deceas it shall be leisom to the persuer of the said Cause or Clame to charge the Defuncts nearest of kin to confirm Executor to him within twenty dayes after the Charge given which Charge so execute shall be a passive title against the person charged as if he were a vitious Intrometter unless he Renunce and then the Charger may proceed to have his debt Constitut and the hæreditas jacens of moveables declared lyable by a Decreet Cognitionis causa upon the obtaining wherof he may be Decerned Executor Dative to the defunct and so affect his moveables in the common form

## PARLIAMENT AT EDINBURGH, 8TH SEPTEMBER 1696.

## CAP. 5.

[1696, *cap.* 5.]

## ACT for Declaring nottour Bankrupt

OUR Sovereign Lord Considering that notwithstanding of the Acts of Parliament already made against fraudfull alienations by Bankrupts in prejudice of their Creditors yet their frauds and abuses are still very frequent Does therfor and for the better Restraining and obviating therof in time comeing with advice and consent of the Estates of Parliament Statute and Declare That for hereafter if any Debitor under diligence by Horning and Caption at the instance of his Creditor be either imprisoned . . . . or flee or abscond for his Personall Security or defend his person by force and be afterwards found by sentence of the Lords of Session to be insolvent shall be holden and repute on these three joint grounds videlicet Diligence by Horning and Caption and insolvencie joyned with one or other of the said alternatives of imprisonment . . . . or fleeing or absconding or forcible defending to be a nottour Bankrupt and that from the time of his forsaid imprisonment . . . . fleeing absconding or forcible defending Which being found by Sentence of the Lords of Session at the instance of any of his Just Creditors who are hereby empowered to raise and prosecute a declarator of Bankrupt theranent His Majestie with Consent of the Estates of Parliament Declares all and whatsoever voluntar dispositions assignations or other deeds which shall be found to be made or granted directly or indirectly be the forsaid dyvor or Bankrupt either at or after his becomeing Bankrupt or in the space of Sixty dayes of befor in favors of any of his Creditors either for their satisfaction or farther Security in preference to other Creditors to be voyd and null Likeas it is declared that all Dispositions Heretable Bonds or other heretable rights whereupon infetment may follow granted by the forsaid Bankrupts shall only be reckoned as to this case of Bankrupt to be of the date of the Sasine lawfully taken thereon but prejudice to the Validity of the said Heretable rights as to all other effects as formerly And because infetments for relief not only of debts already Contracted but of debts to be Contracted for thereafter are often found to be the occasion or covert of frauds It is therfor farder declared That any Disposition or other rights that shall be granted for hereafter for relieff or security of debts to be contracted for the future shall be of no force as to any such debts as shall be found to be Contracted after the Sasine or Infetment following on the said Disposition or right but prejudice to the validity of the said disposition and right as to other points as accords And lastly His Majestie and the Estates of Parliament Do hereby Statute and ordain That if any Person shall for hereafter defraud his Creditors and be found by Sentence of the Lords to be a fraudulent Bankrupt the degree of his fraud shall also be determined by the same sentence and the Person guilty not only held to be infamous Infamia Juris but also be by them Punished by Banishment or otherwayes (death excepted) as they shall see cause . . . . And this but prejudice of all former acts anent Bankrupts which are still to stand in their full force

[*In part rep.*, 6 and 7 *Will.* 4 c. 56 s. 18 and 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 8.

[1696, *cap.* 8.]

## ACT anent the Nomination of Tutors and Curators

OUR Sovereign Lord and the Estates of Parliament Considering that Tutors nominat by a father to his Children are persons in whom he repositeth the greatest trust and

that the tutors nominat frequently decline the office being unwilling to subject themselves to the hazards of Omissions of being oblidged in solidum each of them for others And likewise Considering that the father can make a better choise of Curators for his Children who are minors then the minors could make for themselves Therfor His Majestie with advice and consent of the Estates of Parliament Statutes and Ordains that it is and shall be lawfull for the father by ane act or deed in his leige poustie to make a nomination of such Persons as he thinks fit to be tutors and of such Persons as he thinks fit to be Curators to his Children dursing their Minority Containing this Provision and Quality That the saids Tutors or Curators shall not be lyable for Omissions but for their actuall intromissions with the means and estate descending from the father and other deeds of administration theranent And that each of them shall only be lyable for himselfe and not in solidum for others And it is hereby Statute and ordained That the Tutors or Curators so nominat shall not be lyable for Omissions but only for their actuall intromissions with the means and estate descending from the father and other deeds of administration theranent and that each of them shall only be lyable for himself and not in solidum for others And that the Curators named by the father accepting befor the Judge ordinary in the terms of their nomination shall have right to exerce the office dursing all the years of the minority And it is hereby Declared that where the same Persons are named by the father to be both Tutors and Curators it shall be lawfull and free for those who shall accept and exerce the office of Tutorie to decline or accept as Curators after the Pupillarity expires as they think fit Declaring allwayes that if the condition of any of the Tutors or Curators to be named with the qualities afterspecefeit shall change and become such as any near relation to the pupil or minor shall think fit to represent the same to the Lords of Session to the end after mentioned Then and in that case the saids Lords are hereby empowered upon the said Complaint and a citation upon it without abiding the order of the Roll to ordain the forsaide Tutor and Curator upon such reasons as they shall find probable either to find good and sufficient Caution for their administration or to remove and if He refuse to Remove him And lastly Provyding That nothing in this act shall liberat from or dispense with the makeing of Inventars

## CAP. 9.

[1696, cap. 9.]

## ACT of Prescription anent Tutors and Curators accompts

OUR Sovereign Lord and the Estates of Parliament considering the great danger and hazard to which Tutors and Curators are exposed by being subject to Compt and Reckonings to their Pupills and minors unless secured by the prescription of fourty years after the majority of the saids Pupills and minors Therfor His Majesty with the advice and consent of the Estates of Parliament Statutes and Ordains that all actions of Compt and Reckoning competent to pupills and minors against their Tutors and Curators for makeing their accompts not persued and insisted in within the space of ten years after the majority of the saids pupills and minors or after their death they dying in their minority shall after that time prescribe for ever And the saids Tutors and Curators and their Successors shall be als fully Exonerat and Liberat as if the saids Pupills and Minors after their majority had fully and amply Discharged the same And Declares that the contrary action at the instance of Tutors and Curators against their Pupills and minors shall prescribe in the same manner within ten years Declareing allwayes That this prescription shall not run against minors . . . .

[In part rep., 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 14.

[1696, *cap.* 14.]

## ACT in favors of Universities Schools and Hospitalls

OUR Sovereign Lord and Estates of Parliament being resolved to give all due encouragement to Universities Schools and Hospitalls Do therfor extend the Acts and Lawes made in favors of Ministers of the Gospell for their more easy and speedy ingathering of their Stipend videlicet That there be no suspension except on Consignation and as to allowance of Expenses and Summar Proces to Universities Schools and Hospitalls to the effect they may have the same benefite therof for uplifting and ingathering their rents and debts that the forsaid Ministers have for their Stipends

## CAP. 15.

[1696, *cap.* 15.]

## ACT allowing Securities &amp;c. to be written book wayes

OUR Sovereign Lord understanding the great trouble and inconveniency the Leidges are put to in finding out of clauses and passages in long Contracts Decreits Dispositions Extracts Transumptes and other Securities consisting of many sheets battered together which must be either folded or rolled together Doth for remeid therof with advice and consent of the Estates of Parliament Statute and Ordain that it shall be free hereafter for any person who hath any Contract Decreit Disposition or other Security above mentioned to write to choose whither he will have the same written in Sheets battered together as formerly or to have them written by way of book in Leafs of Paper either in folio or quarto Provideing that if they be written bookways every page be marked by the number first second &c. and Signed as the margines were before and that the end of the last page make mention how many pages are therein contained in which page only witnesses are to signe in writts and Securities where witnesses are required by Law And which writts and Securities being written bookways marked and signed as said is His Majestie with consent forsaid declares to be als valid and formall as if they were written on severall Sheets battered together and signed on the margine according to the present custome

## CAP. 18.

[1696, *cap.* 18.]

## ACT anent Registration of Seasins and other writts and diligences

OUR Sovereign Lord considering that unless Seasins and other writts and diligences appointed to be Registrat be booked and insert in the respective Registers appointed for that effect the Leidges cannot be certiorat therof which is the great use and designe of their Registration Doth therfor with advice and consent of the Estates of Parliament Statute and Declare that no seasine or other writt or diligence appointed to be Registrat shall be of any force or effect against any but the granters and their heirs unless it be duely booked and insert in the Register . . . and declares that Parties Lesed by the omission or negligence of Clerks to book and insert in the Register such writts as are presented to them and which they attest on the back to be Registrat shall have action of damnadge against the heirs and representatives of the saids Clerks though no such actions be commenced in the Clerks lifetime

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*.)]

## CAP. 19.

[1696, cap. 19.]

## ACT for Registrating of Summonds that shall be made use of for Interruptions

OUR Sovereign Lord considering that for the Security of Purchasers and other singular Successors It is necessar that all Summonds and Executions therupon which shall be made use of for Interruptions of Prescription of reall rights and all Instruments of interruption shall be Registrat that the Leidges may know of the samen Therefore His Majestie with advice and consent of the Estates of Parliament Statutes and Ordains That in time comeing all summonds made use of for Interruptions of Prescription of reall rights shall pass . . . . under the signet and contain all the grounds and warrands upon which it proceeds and that the Summonds and Executions therof and all instruments of interruption be Registrat . . . . within Sixty dayes after the date of the Execution and instrument of Interruption . . . . Declareing that if the said Interruptions shall not be duely registrat as above the same shall be of no force nor effect for interrupting the Prescription of reall rights as to Purchasers and singular Successors But prejudice to have the effect of ane interruption as to the persons against whom the same is execute and Instrument taken . . . . And declares all interruptions that shall be made via facti for interrupting the prescription of real rights shall have no effect as to purchasers and singular Successors unless ane Instrument be taken therupon and registrat in manner forsaid But the said interruptions via facti shall only be effectuell as to the Heritor and Possessor of the ground but no others . . . .

[In part rep., 6 Ed. 7 c. 38 (S.L.R.).]

## CAP. 20.

[1696, cap. 20.]

## ACT anent vitious Intromettors

OUR Sovereign Lord considering that many times the nearest of kin and others doth Intromet with the moveables of persons deceist without Confirmation and imbazles the saids moveables in defraud of lawfull Creditors and when they come to be pursued at the instance of any of the Creditors for being lyable to the defuncts debt as vitious intromettors they ordinarily defend themselves with this pretence that there is ane Executor Creditor confirmed befor the intenting of the action Whereas a third party Confirming Executor Creditor in a particular subject ought not to free the intromettor from the passive title of vitious intromissions when the intrometter has no right from the Executor Creditor Therfor for obviating such frauds in time comeing His Majestie with advice and consent of the Estates of Parliament Statutes Ordaines and Declares that the nearest of kin and others intromettors with the moveables of any defunct who are not Executors confirmed to them nor hath right from the Executor Creditor befor his intromission are and shall be lyable as vitious intromettors notwithstanding that there is a third party Confirmed Executor in a particular debt or subject

## CAP. 25.

[1696, cap. 25.]

## ACT anent Blank Bonds and Trusts

OUR Sovereign Lord considering that the Subscribeing of Bonds Assignations and Dispositions and other deeds blank in the name of the person in whose favors they

are granted as also that the intrusting of persons without any declaration or backbond of Trust in writing from the persons intrusted are occasions of fraud as also of many pleas and contentions Doth therefore with advice and consent of the Estates of Parliament Statute and Ordain that for hereafter no bonds assignations dispositions or other deeds be subscribed blank in the person or persons name in whose favors they are conceived and that the forsaid person or persones be either insert before or at the Subscribeing or at least in presence of the same witnesses who were witnesses to the Subscribing before the delivery Certifieing that all writs otherways Subscribed and delivered blank as said is shall be declared null And farder that no action of declarator of trust shall be sustained as to any deed of trust made for hereafter except upon a declaration or backbond of trust lawfully Subscribed by the person alleadged to be the trustee and against whom or his heirs or assigneyes the Declarator shall be intended or unless the same be referred to the oath of party simpliciter Declaring that this Act shall not extend to the indorsation of Bills of Exchange or the notes of any tradeing Company

## CAP. 35.

[1696, *cap.* 33.]

## ACT against Killers of Black Fish and Destroyers of the Fry and Smolts of Salmond

. . . in respect that the Salmond fishing within this Kingdom is much prejudged by the height of miln dams that are carried through the rivers where salmond are taken His Majestie with consent of the Estates of Parliament Ordains a constant slop in the mid stream of each miln dam dyke and if the dyke be settled in severall grains of the river that there be a slop in each grain (except in such rivers where cruives are settled) and that the said slop be als big as conveniently can be allowed Provideing allwayes the said slop prejudice not the going of the milns situat upon any such rivers Likeas His Majestie with consent forsaid discharges all fishing at such miln dam dykes with nets stented or otherwayes or any other Engynes whatsoever . . .

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 38.

[1696, *cap.* 36.]

## ACT anent Inland Bills and Precepts

OUR Sovereign Lord with advice and consent of the Estates of Parliament Statutes Enacts and Declares that the same Execution shall be competent and proceed upon Inland Bills or Precepts as is provided to pass upon Forraigne Bills of Exchange by the twentieth Act of the third Parliament King Charles Second holden in anno I<sup>m</sup> v<sup>j</sup>c and Eighty one which Act is hereby Extended to Inland Bills and Precepts in all points

## CAP. 41.

[1696, *cap.* 39.]

## ACT anent Registration of Writts after the Granters decease

OUR Sovereign Lord with advice and consent of the Estates of Parliament Statutes and Declares that all Bonds Dispositions Assignations Contracts and other Writts Registrable may be Registrat after the Granters death sicklike and in the same

manner and shall make als much faith in Judgement and outwith the same as if the saids Writts were Registrat before the granters decease notwithstanding of whatsoever Laws or customs in the contrair

---

PARLIAMENT AT EDINBURGH, 19TH JULY 1698.

CAP. 2.

[1698, cap. 2.]

ACT for preventing of disorders in the Supplying and Planting of vacant Churches

OUR Sovereign Lord with advyce and consent of the Estates of Parliament for Remeeding the godless abuse of rabling that of late hath so frequently happened in opposition to Ministers orderly sent to Supply vacant Churches and for facilitating of the supplying and planting of vacant Churches and removeing all impediments and disorders that may obstruct the same strictly Prohibites and Discharges all persons whatsomever to make any opposition by rableing tumult or any other manner of violence to any Minister lawfully authorized and sent to preach at any vacant Church within the Kingdom either for supplying of the said vacancy or to exerce the Ministeriall function as fixed Ministers of the paroch and that under the pains of a Hundred pounds upon every Heretor or Lyferenter and of fifty merks upon any other unlanded person toties quoties And for such delinquents as are not able to pay that they shall be punished in their persons as the Lords of Privy Council shall see cause And farder for the better repressing of the forsaid opposition by rableing tumult or any other manner of violence His Majestie with advyce and consent forsaid Ratifies and Extends to the case therof the Seventh Act of the Parliament 1<sup>st</sup> vj<sup>c</sup> and thirty three Intituled Act anent Invadeing of Ministers and that in manner and with the alterations following And therfor Statutes and Ordains that wherever any such rableing or tumult happens the Heretors and Lyferenters in whose bounds whither within or without the parish any of the persons delated and accused as guilty of or accessory to the same dwells or resides shall be holden upon intimation made to them by the Minister injured or by any in name of the Presbitry who sent him to produce the forsaids persons guilty and that they may be conveyed befor the Lords of his Majesties Privy Council for that effect Certifieing the said Heretors and Liferenters that if they either failie to produce the said persons if resideing within their bounds when the forsaid intimation shall be made or if they shall suffer the said persons withdrawing or absenting the time of the said intimation thereafter to reside and haunt openly within their bounds by the space of twenty dayes then and in these cases the said Heretors and Liferenters shall be esteemed Connivers with the delinquents and lyable as guilty art and part with them in their forsaid delinquency And because notwithstanding of the Act and Proclamation of Council made in the year 1690 for the delivering of the Keyes of vacant Churches to the Presbitries or the persons haveing their order the persons havers therof do shift the same from hand to hand Therefore His Majestie with advyce and consent forsaid Statutes and Ordains that where and whenever after requisition made by the Presbitry to the beddell or havers of the said keyes the same are refused and not given up then the nixt Magistrat Sherrieff Lord of Regality or Baillie and their deputs or any Justice of Peace when required by the Presbitry or any from them shall repair to the said Kirk and there make open and patent the doors therof and put new Locks upon the same and delyver the Keyes to the said Presbitry or their order for their free use makeing of the same Certifieing the said inferior Magistrat who shall refuse when required to make the Church patent in manner forsaid he shall be lyable in the fyne of one hundred pounds Scots to be inflicted upon him by the Lords Privy Council for the use of the poor of the paroch by and attour the Presbitries Expences

## CAP. 3.

[1698, *cap.* 3.]

## ACT against Pocknet fishing upon the Water of Forth

HIS Majestie with advyce and consent of the Estates of Parliament Prohibites and Discharges all Salmond fishing or other fishing whatsoever in the River of Forth above the Pow of Alloway on both sides of the said River with Pocknets Herry water nets or other engynes or devyces whatsoever not expressly allowed by Law and to the prejudice of the Heritors and their rights of Salmond fishing in the said River And impowers Warrands and Commands the Sherriff principall of the Shyre of Stirling Baillie of the Water of Forth and his Deputs to suppress the forsaid unlawfull and prohibite manner of fishing and punish the users of the forsaid Pocknets Herry water nets and other unlawfull engynes by fyneing not exceeding the sum of Twenty pounds Scots toties quoties or Imprisonment as they shall see cause and to destroy all the forsaid unlawfull Engynes And that this they do as they shall be answerable

## CAP. 4.

[1698, *cap.* 4.]

## ACT concerning Registration of Probative Writs

OUR Sovereign Lord considering that it will be of great ease and advantage to the Leidges that Probative Writs be allowed to be Registrat albeit they want a Clause of Registration Therefore His Majestie with advyce and consent of the Estates of Parliament Statutes and Ordains that it shall be lawfull and leisum to Registrat for Conservation all Chartors granted by Subjects Dispositions Bonds Contracts Tacks Reversions and all other Probative Writs in any publick authentick Register that is competent albeit the saids Writs want a Clause of Registration . . . and the Extract to make intire faith in all Cases in the same manner as if the saids Writs had been Registrat by vertue of a Clause of Registration except in the case of Improbations

[*In part rep.*, 6 *Ed.* 7 c. 38 (*S.L.R.*).]

## CAP. 6.

[1698, *cap.* 6.]

## ACT against Clandestine and Irregular Marriages

OUR Sovereign Lord with advyce and consent of the Estates of Parliament for rendering more effectuell the . . . 34 Act of the first Parliament 1661 . . . Statutes and Ordains that the parties clandestinely and irregularly married contrare to the said Act 1661 Declare when required the names and designations of the Minister or person who Celebrat the said clandestine or irregular Marriages and of such as were Witnesses to the said Marriages with Certification that if they refuse when required the forsaid parties married shall pay each Nobleman Two Thousand pounds each Baron and Landed Gentleman Two Thousand merks each Gentleman and Burgess one Thousand pound each other person Two Hundred merks to be applyed to pious uses within the parishes where the said persons dwell And further be Imprisoned ay and while they do declare who were Celebrators of and Witnesses to the said Marriages and also make payment of the respective penalties above mentioned And for the better repressing of the said clandestine Marriages it is further Statute and Ordained that over and above the pains contained in the said Act 1661 . . .

against Clandestine and Irregular Marriages the Celebrator of the said Clandestine Marriage shall be lyable to be summarly seized and imprisoned by any ordinar Magistrat or Justice of Peace and farder punishable by the Lords of His Majesties Privy Councill not only by perpetuall banishment but by such pecuniall or corporall pains as the said Lords of Privy Councill shall think fit to inflict As also that the Witnesses to the said clandestine Marriages shall be lyable each of them in the sum of ane Hundred pounds Scots toties quoties to be applied to the uses and in manner above mentioned or if insolvent to such corporall punishment as the said Lords shall think fit to determine

[*In part rep.*, 6 Ed. 7 c. 38 (*S.L.R.*).]

---

CAP. 11.

[1698, *cap.* 11.]

ACT for the Ease of small Vassalls of Bishops Lands now holden of the King

OUR Sovereign Lord with advyce and consent of the Estates of Parliament for the farder ease of small Vassalls of Lands and others now holden of his Majestie by vertue of the twenty nynth Act of the second Session of this current Parliament intituled Act anent the superiority of Lands and others which formerly held of Prelates or Bishops and their Chapters to be now holden of the King and Queen Statutes and Ordains that not only the Signatures and Charters of the said Lands the valuation wherof is but one hundred pound Scots or under shall pass the Great Seal per saltum without passing any other Seal and that gratis without payment of Composition in Exchequer or other dues sicklyke as is provyded by the thirty second Act of the said Session of Parliament in favors of Vassalls of the said Lands where their valuation is only ten pound Scots or under But lykewayes that in case of their deceiss the speciall services . . . shall be expedie in his Majesties Chancellary for the sum of ten merks for all dues and drink money and that they shall be free of paying a seasine ox to the Sherriff . . . and the dues to be payed by them to Sherriffs . . . for equees shall not exceed the twenty part of their few dutie and this Act to be without prejudice to the other small Vassalls of the said Lands of the other priviledges provyded to them by the forsaid thirty two Act of the second Session of this Parliament

[*In part rep.*, 6 Ed. 7 c. 38 (*S.L.R.*).]

---

CAP. 35.

[1698, *cap.* 16.]

ACT for preserving of Planting

OUR Sovereign Lord with advyce and consent of the Estates of Parliament Ratifies and Approves all former Laws and Acts of Parliament made for planting and inclosing of ground And for makeing the samine more effectuall Statutes and Ordains that all tennents and cottars shall preserve and secure all growing wood and planting that is upon the ground they possess that none of it shall be cut broke or pulled up by the roots or the bark peilled off any tree and that under the pain to be exacted by their masters allennarly of ten pounds Scots for each tree within ten years old and twenty pound Scots for each tree that is above the said age of ten years unless the samine be done by warrand and order of the said master and heretor of the ground And ordains the tennent to be lyable for his wife children and servants or any others within his familie that shall contraveen this present Act

## CAP. 39.

[1698, cap. 20.]

## ACT for settling the Communication of Trade

OUR Sovereign Lord for terminating the differences that have lately arisen betwixt the Burghs Royall and Burghs of Regality and Barony and others on the account of the Communication of Trade appointed by the Act of Parliament 1<sup>st</sup> vj<sup>e</sup> and nynety three . . . . As also what should be the quota of the said Taxt Roll which should be laid for hereafter upon the said Burghs of Regality and Barony and others who should partake of the said Communication and how the same should be subdivyded and proportioned amongst them Doth with the advyce and consent of the Estates of Parliament Ratifie and Confirme the Communication of trade ordained by the forsaid Act and . . . . Statutes that the said Quota and Subdivision being once stated all persons inhabitants of the said Burghs partakeing of the Communication shall be lyable to be stented for the Quota appointed as the use is in Burghs Royall As also that for thereafter the said Burghs shall be lyable to the determination of the Conventions of Royal Burrows as to the alterations of their Quota as other Burghs Royall Provydeing allwayes that the Burgh to be altered be first called and that the said alterations shall not encrease the generall Quota laid upon unfree trade As lykewayes that in case of inequality the Burgh lesed may apply for remedy to the Parliament Lykeas in case of the increase or decrease of trade it is hereby Declared that the Burghs concerned whether Royal or not may apply to the Parliament even as to the general Quotas

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

## PARLIAMENT AT EDINBURGH, 29TH OCTOBER 1700.

## CAP. 6.

[1701, cap. 6.]

## ACT for preventing wrongous Imprisonments and against undue delays in Tryals

OUR Sovereign Lord Considering it is the interest of all his good Subjects that the liberty of their persons be duely secured And that it is declared by the claim of right that the imprisonment of persons without expressing the reasons thereof and delaying to put them to tryal is contrare to Law Therefore His Majestie with advice and consent of the Estates of Parliament Statutes Enacts and Ordains that all Informers shall signe their Informations and that no person shall hereafter be imprisoned for custody in order to tryal for any crime or offence without a warrand in writ expressing the particular cause for which he is imprisoned and of which warrand the messenger or executor thereof before imprisonment or the keeper of the prison receiveing the same is hereby ordained to give a just double immediately under his hand to the prisoner himselfe for the end after specified Declareing that all warrands for imprisonment on the account forsaid either proceeding upon informations not subscribed or not expressing the particular cause shall be void and null and the Judge or Officiar of the Law and all others whatsomever subscribeing the same and the Executor or keeper of the prison who shall receive and detain the person so wrongously ordered to be imprisoned or refusing a double as said is shall be lyable in the punishment of wrongous imprisonment hereafter exprest . . . . And His Majestie with advice and consent forsaid farder Statutes and Ordains that upon application of any prisoner for Custody in order to tryal whither for capital orailable Crimes to any of the Lords of Justiciary or other Judge or Judicatory competent for judgeing the crime or offence for which he is imprisoned and the said prisoner his produceing the said double of the warrand of his imprisonment under the Keepers hand the said Judge or Judicatory competent under the pain of wrongous imprisonment are hereby

Ordained within twenty four hours after the said application and petition is presented to him or them to give out letters or precepts direct to messengers for intimating to his Majesties Advocat or Procurator fiscall and party appearing by the warrand to be concerned if any be within the Kingdom to fix a dyet for the tryal within sixty dayes after the intimation Certifieing his Majesties Advocat or Procurator fiscall and the said party concerned that if they failyie the prisoner shall be discharged and set at liberty without delay For doing whereof the said Judge or Judicatory competent are hereby expressly warranted and strictly required and ordained to do the same under the penalty forsaid unless the delay be upon the prisoners petition or desire And the dyet of the tryal being prefixed the Magistrats of the place or Keeper of the prison shall then be oblidge to deliver the prisoner to a sufficient guard to be provided by the Judge his Majesties Advocat or Procurator fiscal that the prisoner may be sisted before the Judge competent And his Majesties Advocat or Procurator fiscal shall insist in the lybell and the Judge put the same to a tryal and the same shall be determined by a final sentence within forty dayes if before the Lords of Justiciary and thirty dayes if before any other Judge And if his Majesties Advocat or Procurator fiscal do not insist in the tryal at the day appointed and prosecute the same to the conclusion as aforesaid His Majestie with advice forsaid Statutes and Ordains that the dyet shall then be simpliciter deserted and the prisoner immediately liberat from his imprisonment for that crime or offence And if no process be raised and execute within the time allowed or in case of not insisting at the dyet and bringing the process to a conclusion within the forsaid space it shall be lawfull to the prisoner to apply to the Justice General Justice Clerk or any of the Lords of Justiciary or Judge competent respective And upon his application and instructing that the limited time by law for insisting or concluding the process is elapsed and Instruments taken thereupon the said Justice General Justice Clerk Lords of Justiciary and Judge competent shall be oblidge within twenty four hours to issue out Letters or precepts direct to Messengers for chargeing the Magistrats or keepers of the prison where the prisoner is detained for setting him at liberty under the penalty of wrongous imprisonment in case of delay or refusal to grant the said letters or precepts or to set him at liberty after the Charge without prejudice to the keeper of the prison as to his dues in all cases of liberation as formerly before the makeing of this Act And the prisoner being liberat in manner forsaid it shall not be lawfull to put or detain him in prison for the same Crime under the penalty of wrongous imprisonment in case his former liberation be made known to the Committer before the Warrand be granted or in case he be detained after his former imprisonment is sufficiently instructed to the keeper of the prison who upon production of the former warrand of his liberation from his imprisonment for the same Crime shall be oblidge to set the prisoner furthwith at liberty unless there be new criminal letters raised before the Commissioners of Justiciary and duely execute against the said prisoner In which case it is hereby Declared lawfull to imprison him of new tho the said Letters be raised for the same Crime for which he was formerly incarcerat And it shall be lawfull to apprehend and secure him at the time of Executing the saids Letters or at any time thereafter before tryal and to detain him till his tryal or that he be set at liberty in due course of law And his Majestie with advice and consent forsaid Ordains his Majesties Advocat to insist in the said lybell and prosecute the same to a final sentence within forty dayes after the said prisoner is of new incarcerat thereupon unless the delay be upon the application or at the desire of the Prisoner Wherein if the Kings Advocat failyie the dyet is to be deserted simpliciter and the prisoner ordained to be set at liberty from the said imprisonment And the process not being duely prosecute as aforesaid and the dyet thereupon deserted His Majestie with advice and consent forsaid Declares the party imprisoned a second time as aforesaid to be for ever free from all question or process for the forsaid crime or offence Provideing allwayes that in case of imprisonment for treason the prisoner shall not have access to apply for prefixing of a dyet for process for forty dayes after his imprisonment which are hereby allowed for preparing of the process After elapsing of which time the Lords of his Majesties Privy Council or Lords of Justiciary or any one of them are hereby required upon the application of the prisoner to issue furth precepts as in other cases And in case of not insisting or prosecuting the process as aforesaid the prisoner shall be liberat upon sufficient

baill to Compear at any time when called within twelve moneths for his good and peaceable behaviour in the mean time the said baill not exceeding the double of the baill in other crimes Declaring that the liberation provided by this present Act is only to be understood from imprisonments for the causes forsaide and without prejudice of all personal diligence or imprisonments for payment of debts or upon sentence or for any other causes than these above exprest in the same way and manner as was competent before the making hereof . . . . Without prejudice also to inferior Magistrates Judges or Justices of the Peace and Constables to take security of persons for their good behaviour and keeping of the peace as they have been in use formerly to do or to imprison in order to tryal for indignities done to the saide inferior Magistrates Judges or Justices of Peace or to imprison . . . . vagabonds and masterfull beggars or to imprison for ryots bloods and batteries or persons found acting in tumults or for drunkenness sabbath breaking and swearing uncleanness pickeries and thieving For which cases or any of them it shall be lawfull to proceed as formerly the person imprisoned haveing allwayes his relief by offering baill and demanding a tryall as above As also provideing that in the case of imminent or actual invasion rebellion or insurrection Commitments may proceed by order of the Privy Council or any five of their number upon suspicion of accession thereto without being lyable to any penalty for the said Commitment the person imprisoned haveing allwayes his relief for tryal or liberation as aforesaid And his Majestie with consent forsaide Statutes and Ordains that the pain of wrongous imprisonment shall be Six thousand pound for a Nobleman four thousand pound for a landed Gentleman two thousand pound for every other Gentleman and Burgess and four hundred pound for other persons And if any prisoner be detained after elapsing of the respective dayes in manner above prescribed for obtaining his liberty the Judges Magistrates or others wrongously detaining shall be lyable in the pains following videlicet of one hundred pound for each day for a Nobleman sixty six pound thirteen shilling four pennies for a landed Gentleman thirty three pound six shilling eight pennies for other Gentlemen and Burgesses Six pound thirteen shilling four pennies for other persons And farder shall loose their offices and be incapable of publick trust by and attour the pains above specified and the penalty to belong to the party imprisoned and process to be competent for the same before the Lords of his Majesties Privy Council or before the Lords of Council and Session to be discussed by them summarly without abideing the course of the roll And it is hereby Declared that the above penalties shall not be modified by any power or authority whatsoever And his Majestie with advice and consent forsaide Extends this Act for preventing of wrongous imprisonment to the case of all confinements not either consented to by the party or inflicted after tryal by sentence And farder Discharges all closs imprisonments beyond the space of Eight dayes from the commitment under the pains of wrongous imprisonment above set down As also that no person be transported furth of this Kingdom except with his own Consent given before a Judge or by legal sentence Certifieing Judges and Magistrates and all others who shall give order otherwayes for the said transportation as likewayes all such who shall transport any person without a lawfull Warrant from a Judge or Magistrat that he shall be lyable to the foresaid pains of wrongous imprisonment as also of being deprived and declared incapable of all public trust And his Majestie with advice and consent foresaid Enacts and Declares that action and process for wrongous imprisonment shall prescribe if not pursued within three years after the last day of the wrongous imprisonment And process being once raised the same shall prescribe if not insisted in yearly thereafter And it is hereby Statute and Ordained by advice and consent forsaide that no member of Parliament attending shall be imprisoned or confued upon any account whatsoever dureing a Session of Parliament without a Warrant of Parliament Reserveing to the high Constable and Marischall their priviledges and jurisdictions in the time of Parliament as formerly And also provideing that if any member shall happen to commit a capital crime or if there be a manifest hazard of the peace any Magistrat may attatch for securing of the person or the peace and deliver the person to the custody of the High Constable in order to the Parliaments cognition the next Sederunt

## ACTA PARLIAMENTORUM ANNÆ.

---

PARLIAMENT AT EDINBURGH, 28TH JUNE 1705.

CAP. 48.

[1705, *cap.* 2.]

ACT for advancing and establishing the Fishing Trade in and about this Kingdom

OUR Sovereign Lady and the Estates of Parliament taking to consideration the great and many advantages that may arise to this Nation by encouraging the Salmond White and Herring fishings they being not only a natural and certain fund to advance the trade and increase the wealth thereof but also a true and ready way to breed seamen and set many poor and idle people to work And albeit there be several good acts already made to encourage and carry on that trade yet they are either in dissuetude defective or do not answer the present circumstances Therefore that so great and general a concern may take effect in time coming Her Majesty with advice and consent of the Estates of Parliament Authorizes and Impowers all her good subjects of this Kingdom to take buy and cure herring and white fish in all and sundry seas channells bays firths lochs rivers &c. of this her Majesties ancient Kingdom and Islands thereto belonging wheresoever herring or white fish are or may be taken And for their greater conveniency to have the free use of all ports harbours shoars fore-lands and others for bringing in pickeling drying unloading and loading the same upon payment of the ordinary dues where harbours are built that is such as are paid for ships boats and other goods and Discharges all other exactions as a nights fishing in the week commonly called Saturday's fishing top money stallage and the like . . . .

[*In part rep.*, 6 Ed. 7 c. 38 (*S.L.R.*).]

---

PARLIAMENT AT EDINBURGH, 3RD OCTOBER 1706.

CAP. 6.

[1707, *cap.* 6.]

ACT for Securing the Protestant Religion and Presbyterian Church Government

OUR Sovereign Lady and the Estates of Parliament considering that by the late Act of Parliament for a Treaty with England for an Union of both Kingdoms It is provided that the Commissioners for that Treaty should not treat of or concerning any alteration of the Worship Discipline and Government of the Church of this Kingdom as now by Law established Which Treaty being now reported to the Parliament and it being reasonable and necessary that the true Protestant Religion as presently professed within this Kingdom with the Worship Discipline and Government of this Church should be effectually and unalterably secured Therefore Her Majesty with advice and consent of the said Estates of Parliament Doth hereby Establish and Confirm the

said true Protestant Religion and the Worship Discipline and Government of this Church to continue without any alteration to the people of this land in all succeeding generations And more especially Her Majestie with advice and consent foresaid Ratifies Approves and for ever Confirms the fifth Act of the first Parliament of King William and Queen Mary Entituled Act Ratifieing the Confession of Faith and settleing Presbyterian Church Government with the haill other Acts of Parliament relating thereto in prosecution of the Declaration of the Estates of this Kingdom containing the Claim of Right bearing date the eleventh of April 1<sup>st</sup> vj<sup>th</sup> and eighty nine And Her Majesty with advice and consent foresaid expressly Provides and Declares that the foresaid true Protestant Religion contained in the above mentioned Confession of Faith with the form and purity of worship presently in use within this Church and it's Presbyterian Church Government and Discipline that is to say the Government of the Church by Kirk Sessions Presbytries Provincial Synods and General Assemblies all established by the foresaid Acts of Parliament pursuant to the Claim of Right shall remain and continue unalterable And that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of Scotland And further for the greater security of the foresaid Protestant Religion and of the Worship Discipline and Government of this Church as above established Her Majesty with advice and consent foresaid Statutes and Ordains That the Universities and Colledges of Saint Andrews Glasgow Aberdeen and Edinburgh as now established by Law shall Continue with this Kingdom for ever And that in all time comeing no Professors Principals Regents Masters or others bearing office in any University Colledge or School within this Kingdom be capable or be admitted or allowed to continue in the exercise of their said functions but such as shall own and acknowledge the Civil Government in manner prescribed or to be prescribed by the Acts of Parliament As also that before or at their admissions they . . . shall subscribe to the foresaid Confession of Faith . . . and that they will practise and conform themselves to the worship presently in use in this Church and submit themselves to the Government and Discipline thereof and never endeavour directly or indirectly the prejudice or subversion of the same and that before the respective Presbytries of their bounds by whatsoever gift presentation or provision they may be thereto provided And further Her Majesty with advice foresaid expressly Declares and Statutes That none of the Subjects of this Kingdom shall be lyable to but all and every one of them for ever free of any Oath Test or Subscription within this Kingdom contrary to or inconsistent with the foresaid true Protestant Religion and Presbyterian Church Government Worship and Discipline as above established And that the same within the bounds of this Church and Kingdom shall never be imposed upon or required of them in any sort And Lastly That after the decease of her present Majesty (whom God long preserve) the Sovereign succeeding to her in the Royal Government of the Kingdom of Great Britain shall in all time comeing at his or her accession to the Crown Swear and Subscribe that they shall inviolably maintain and preserve the foresaid Settlement of the true Protestant Religion with the Government Worship Discipline Right and Priviledges of this Church as above established by the Laws of this Kingdom in prosecution of the Claim of Right And it is hereby Statute and Ordained That this Act of Parliament with the Establishment therein contained shall be held and observed in all time comeing as a fundamental and essential condition of any Treaty or Union to be concluded betwixt the two Kingdoms without any alteration thereof or derogation thereto in any sort for ever As also that this Act of Parliament and settlement therein contained shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the two Kingdoms And that the same shall be therein expressly Declared to be a fundamental and essential Condition of the said Treaty or Union in all time comeing

[*In part rep., 5 Ed. 7 c. 12.*]

## CAP. 7.

[1707, *cap.* 7.]ACT Ratifying and Approving the Treaty of Union of the Two Kingdoms  
of SCOTLAND and ENGLAND

THE Estates of Parliament Considering that Articles of Union of the Kingdoms of Scotland and England were agreed on the twenty second of July One thousand seven hundred and six years by the Commissioners nominated on behalf of this Kingdom under Her Majesties Great Seal of Scotland bearing date the twenty seventh of February last past in pursuance of the fourth Act of the third Session of this Parliament and the Commissioners nominated on behalf of the Kingdom of England under Her Majesties Great Seal of England bearing date at Westminster the tenth day of April last past in pursuance of an Act of Parliament made in England the third year of Her Majesties Reign to treat of and concerning an Union of the said Kingdoms Which Articles were in all humility presented to Her Majesty upon the twenty third of the said Month of July and were Recommended to this Parliament by Her Majesties Royal Letter of the date the thirty one day of July One thousand seven hundred and six And that the said Estates of Parliament have agreed to and approven of the saide Articles of Union with some Additions and Explanations as is contained in the Articles hereafter insert And sicklyke Her Majesty with advice and consent of the Estates of Parliament Resolving to Establish the Protestant Religion and Presbyterian Church Government within this Kingdom has past in this Session of Parliament an Act entituled Act for securing of the Protestant Religion and Presbyterian Church Government which by the Tenor thereof is appointed to be insert in any Act ratifying the Treaty and expressly declared to be a fundamentall and essentiall Condition of the said Treaty or Union in all time coming Therefore Her Majesty with advice and consent of the Estates of Parliament in fortification of the Approbation of the Articles as abovementioned And for their further and better Establishment of the same upon full and mature deliberation upon the forsaid Articles of Union and Act of Parliament Doth Ratifie Approve and Confirm the same with the Additions and Explanations contained in the saide Articles in manner and under the provision after-mentioned whereof the Tenor follows

I. THAT the Two Kingdoms of Scotland and England shall upon the first day of May next ensuing the date hereof and forever after be United into One Kingdom by the Name of GREAT BRITAIN And that the Ensigns Armorial of the said United Kingdom be such as Her Majesty shall appoint and the Crosses of St Andrew and St George be conjoined in such manner as Her Majesty shall think fit and used in all Flags Banners Standards and Ensigns both at Sea and Land

II. THAT the Succession to the Monarchy of the United Kingdom of Great Britain and of the Dominions thereunto belonging after Her Most Sacred Majesty and in default of Issue of Her Majesty be remain and continue to the Most Excellent Princess Sophia Electoress and Dutchess Dowager of Hanover and the Heirs of Her body being Protestants upon whom the Crown of England is settled by an Act of Parliament made in England in the twelfth year of the Reign of His late Majesty King William the Third entituled An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject And that all Papists and persons marrying Papists shall be excluded from and for ever incapable to inherit possess or enjoy the Imperial Crown of Great Britain and the Dominions thereunto belonging or any part thereof And in every such case the Crown and Government shall from time to time descend to and be enjoyed by such person being a Protestant as should have inherited and enjoyed the same in case such Papists or person marrying a Papist was naturally dead according to the provision for the Descent of the Crown of England made by another Act of Parliament in England in the first year of the Reign of their late Majesties King William and Queen Mary entituled An Act declaring the Rights and Liberties of the Subject and settling the Succession of the Crown

III. THAT the United Kingdom of Great Britain be Represented by one and the same Parliament to be stiled the Parliament of Great Britain

IV. THAT all the Subjects of the United Kingdom of Great Britain shall from and after the Union have full Freedom and Intercourse of Trade and Navigation to and from any port or place within the said United Kingdom and the Dominions and Plantations thereunto belonging And that there be a Communication of all other Rights Privileges and Advantages which do or may belong to the Subjects of either Kingdom except where it is otherways expressly agreed in these Articles

[*Art. V. rep., 6 Ed. 7 c. 38 (S.L.R.).*]

VI. THAT all parts of the United Kingdom for ever from and after the Union shall have the same Allowances Encouragements and Drawbacks and be under the same Prohibitions Restrictions and Regulations of Trade and lyable to the same Customs and Duties on Import and Export And that the Allowances Encouragements and Drawbacks Prohibitions Restrictions and Regulations of Trade and the Customs and Duties on Import and Export settled in England when the Union commences shall from and after the Union take place throughout the whole United Kingdom excepting and reserving the Duties upon Export and Import of such particular Commodities from which any persons the Subjects of either Kingdom are specially Liberated and Exempted by their private Rights which after the Union are to remain safe and entire to them in all respects as before the same And that from and after the Union no Scots Cattle carried into England shall be lyable to any other Duties either on the publick or private Accounts than these Duties to which the Cattle of England are or shall be lyable within the said Kingdom . . . .

[*Art. VI. in part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

VII. THAT all parts of the United Kingdom be for ever from and after the Union lyable to the same Excises upon all Exciseable Liquors excepting only that the thirty four Gallons English Barrel of Beer or Ale amounting to twelve Gallons Scots present measure sold in Scotland by the Brewer at nine shillings six pence Sterling excluding all Duties and Retaild including Duties and the Retailers profit at two pence the Scots pint or eight part of the Scots Gallon be not after the Union lyable on account of the present Excise upon Exciseable Liquors in England to any higher Imposition than two shillings Sterling upon the forsaid thirty four Gallons English barrel being twelve gallons the present Scots measure And that the Excise settled in England on all other Liquors when the Union commences take place throughout the whole United Kingdom

[*Art. VIII. rep., 6 Ed. 7 c. 38 (S.L.R.).*]

IX. THAT whenever the sum of One million nine hundred ninety seven thousand seven hundred and sixty three pounds eight shillings and four pence half penny shall be Enacted by the Parliament of Great Britain to be raised in that part of the United Kingdom now called England on Land and other things usually charged in Acts of Parliament there for granting an aid to the Crown by a Land Tax that part of the United Kingdom now called Scotland shall be charged by the same Act with a further sum of fourty eight thousand pounds free of all Charges as the Quota of Scotland to such Tax and so proportionably for any greater or lesser sum raised in England by any Tax on Land and other things usually charged together with the Land And that such Quota for Scotland in the cases aforesaid be raised and collected in the same manner as the Cess now is in Scotland but subject to such Regulations in the manner of Collecting as shall be made by the Parliament of Great Britain

[*Arts. X.-XV. rep., 6 Ed. 7 c. 38 (S.L.R.).*]

XVI. THAT from and after the Union the Coin shall be of the same standard and value throughout the United Kingdom as now in England . . . .

[*Art. XVI. in part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

[*Art. XVII. rep., 6 Ed. 7 c. 38 (S.L.R.).*]

XVIII. THAT the Laws concerning Regulation of Trade Customs and such Excises to which Scotland is by virtue of this Treaty to be lyable be the same in Scotland from and after the Union as in England and that all other Lawes in use within the Kingdom of Scotland do after the Union and notwithstanding thereof remain in the same force as before (except such as are contrary to or inconsistent with this Treaty) but alterable by the Parliament of Great Britain With this difference betwixt the Laws concerning Publick Right Policy and Civil Government and those which concern private Right That the Laws which concern publick Right policy and Civil Government may be made the same throughout the whole United Kingdom but that no alteration be made in Laws which concern private Right except for evident utility of the subjects within Scotland

XIX. THAT the Court of Session or Colledge of Justice do after the Union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom and with the same Authority and Priviledges as before the Union subject nevertheless to such Regulations for the better Administration of Justice as shall be made by the Parliament of Great Britain And that hereafter none shall be named by Her Majesty or Her Royal Successors to be Ordinary Lords of Session but such who have served in the Colledge of Justice as Advocats or Principal Clerks of Session for the space of five years or as Writers to the Signet for the space of ten years With this provision That no Writer to the Signet be capable to be admitted a Lord of the Session unless he undergo a private and publick Tryal on the Civil Law before the Faculty of Advocats and be found by them qualified for the said Office two years before he be named to be a Lord of the Session yet so as the Qualifications made or to be made for capacitating persons to be named Ordinary Lords of Session may be altered by the Parliament of Great Britain And that the Court of Justiciary do also after the Union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom and with the same Authority and Priviledges as before the Union subject nevertheless to such Regulations as shall be made by the Parliament of Great Britain and without prejudice of other Rights of Justiciary And that all Admiralty Jurisdictions be under the Lord High Admirall or Commissioners for the Admiralty of Great Britain for the time being And that the Court of Admiralty now Established in Scotland be continued And that all Reviews Reductions or Suspensions of the Sentences in Maritime Cases competent to the Jurisdiction of that Court remain in the same manner after the Union as now in Scotland until the Parliament of Great Britain shall make such Regulations and Alterations as shall be judged expedient for the whole United Kingdom so as there be alwayes continued in Scotland a Court of Admiralty such as in England for determination of all Maritime Cases relating to private Rights in Scotland competent to the Jurisdiction of the Admiralty Court subject nevertheless to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain And that the Heritable Rights of Admiralty and Vice-Admiralties in Scotland be reserved to the respective Proprietors as Rights of Property subject nevertheless as to the manner of Exercising such Heritable Rights to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain And that all other Courts now in being within the Kingdom of Scotland do remain but subject to Alterations by the Parliament of Great Britain And that all Inferior Courts within the said Limits do remain subordinate as they are now to the Supream Courts of Justice within the same in all time coming And that no Causes in Scotland be cognoscible by the Courts of Chancery Queens-Bench Common-Pleas or any other Court in Westminster-hall And that the said Courts or any other of the like nature after the Union shall have no power to Cognosce Review or Alter the Acts or Sentences of the Judicatures within Scotland or stop the Execution of the same And that there be a Court of Exchequer in Scotland after the Union for deciding Questions concerning the Revenues of Customs and Excises there having the same power and authority in such cases as the Court of Exchequer has in England And that the said Court of Exchequer in Scotland have power of passing Signatures Gifts Tutories and in other things as the Court of Exchequer at present in Scotland hath And that the Court of Exchequer that now is in Scotland do remain until

a New Court of Exchequer be settled by the Parliament of Great Britain in Scotland after the Union . . . .

[*Art. XIX. in part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

XX. THAT all heritable Offices Superiorities heritable Jurisdictions Offices for life and Jurisdictions for life be reserved to the Owners thereof as Rights of Property in the same manner as they are now enjoyed by the Laws of Scotland notwithstanding of this Treaty

XXI. THAT the Rights and Privileges of the Royall Burroughs in Scotland as they now are Do Remain entire after the Union and notwithstanding thereof

XXII. THAT by virtue of this Treaty Of the Peers of Scotland at the time of the Union Sixteen shall be the number to Sit and Vote in the House of Lords and Forty five the number of the Representatives of Scotland in the House of Commons of the Parliament of Great Britain . . . .

[*Art. XXII. in part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

XXIII. THAT the foressaid Sixteen Peers of Scotland mentioned in the last preceding Article to sit in the House of Lords of the Parliament of Great Britain shall have all Priviledges of Parliament which the Peers of England now have and which They or any Peers of Great Britain shall have after the Union and particularly the Right of sitting upon the Tryals of Peers And in case of the tryal of any Peer in time of Adjournment or Prorogation of Parliament the said Sixteen Peers shall be summoned in the same manner and have the same powers and priviledges at such tryal as any other Peers of Great Britain and that in case any tryals of Peers shall hereafter happen when there is no Parliament in being the Sixteen Peers of Scotland who sate in the last preceeding Parliament shall be summoned in the same manner and have the same powers and privileges at such tryals as any other Peers of Great Britain and that all Peers of Scotland and their successors to their Honours and Dignities shall from and after the Union be Peers of Great Britain and have Rank and Precedency next and immediately after the Peers of the like orders and degrees in England at the time of the Union and before all Peers of Great Britain of the like orders and degrees who may be Created after the Union and shall be tryed as Peers of Great Britain and shall Enjoy all Priviledges of Peers as fully as the Peers of England do now or as they or any other Peers of Great Britain may hereafter Enjoy the same except the Right and Privilege of sitting in the House of Lords and the Priviledges depending thereon and particularly the Right of sitting upon the tryals of Peers

XXIV. THAT from and after the Union there be One Great Seal for the United Kingdom of Great Britain which shall be different from the Great Seal now used in either Kingdom And that the Quartering the Arms and the Rank and Precedency of the Lyon King of Arms of the Kingdom of Scotland as may best suit the Union be left to Her Majesty And that in the mean time the Great Seal of England be used as the Great Seal of the United Kingdom and that the Great Seal of the United Kingdom be used for Sealing Writs to Elect and Summon the Parliament of Great Britain and for sealing all Treaties with Forreign Princes and States and all publick Acts Instruments and Orders of State which Concern the whole United Kingdom and in all other matters relating to England as the Great Seal of England is now used and that a Seal in Scotland after the Union be alwayes kept and made use of in all things relating to private Rights or Grants which have usually passed the Great Seal of Scotland and which only concern Offices Grants Commissions and private Rights within that Kingdom And that until such Seal shall be appointed by Her Majesty the present Great Seal of Scotland shall be used for such purposes and that the Privy Seal Signet Casset Signet of the Justiciary Court Quarter Seal and Seals of Courts now used in Scotland be Continued but that the said Seals be altered and adapted to the state of the Union as Her Majesty shall think fit And the said Seals and all of them and the Keepers of them shall be subject to such Regulations as the Parliament of Great Britain shall hereafter make And that the Crown Scepter and Sword of State

the Records of Parliament and all other Records Rolls and Registers whatsoever both publick and private generall and particular and Warrands thereof Continue to be kepted as they are within that part of the United Kingdom now called Scotland and that they shall so remain in all time coming notwithstanding of the Union

XXV. THAT all Laws and Statutes in either Kingdom so far as they are contrary to or inconsistent with the Terms of these Articles or any of them shall from and after the Union cease and become void and shall be so declared to be by the respective Parliaments of the said Kingdoms

FOLLOWS the Tenor of the foresaid Act for securing the Protestant Religion and Presbyterian Church Government

OUR Sovereign Lady and the Estates of Parliament considering That by the late Act of Parliament for a Treaty with England for an Union of both Kingdoms It is provided That the Commissioners for that Treaty should not Treat of or concerning any alteration of the Worship Discipline and Government of the Church of this Kingdom as now by Law established Which Treaty being now reported to the Parliament and it being reasonable and necessary that the True Protestant Religion as presently professed within this Kingdom with the Worship Discipline and Government of this Church should be effectually and unalterably secured Therefore Her Majesty with advice and consent of the said Estates of Parliament Doth hereby Establish and Confirm the said True Protestant Religion and the Worship Discipline and Government of this Church to continue without any alteration to the people of this Land in all succeeding generations And more especially Her Majesty with advice and consent foresaid Ratifies Approves and for ever Confirms the fifth Act of the first Parliament of King William and Queen Mary Entituled Act Ratifying the Confession of Faith and settling Presbyterian Church Government with the hail other Acts of Parliament relating thereto in prosecution of the Declaration of the Estates of this Kingdom containing the Claim of Right bearing date the eleventh of Aprile One thousand six hundred and eighty nine And Her Majesty with advice and consent foresaid expressly Provides and Declares That the foresaid True Protestant Religion contained in the above-mentioned Confession of Faith with the form and purity of Worship presently in use within this Church and its Presbyterian Church Government and Discipline that is to say the Government of the Church by Kirk Sessions Presbyteries Provincial Synods and Generall Assemblies all established by the forsaid Acts of Parliament pursuant to the Claim of Right shall Remain and Continue unalterable and that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of Scotland And further for the greater security of the foresaid Protestant Religion and of the Worship Discipline and Government of this Church as above established Her Majesty with advice and consent foresaid Statutes and Ordains That the Universities and Colledges of Saint Andrews Glasgow Aberdeen and Edinburgh as now Established by Law shall Continue within this Kingdom for ever And that in all time comeing no Professors Principalls Regents Masters or others bearing office in any University Colledge or School within this Kingdom be capable or be admitted or allowed to continue in the Exercise of their said functions but such as shall own and acknowledge the Civill Government in manner prescribed or to be prescribed by the Acts of Parliament As also that before or at their Admissions they do and shall acknowledge and profess and shall subscribe to the foresaid Confession of Faith as the Confession of their faith and that they will practise and conform themselves to the Worship presently in use in this Church and submit themselves to the Government and Discipline thereof and never endeavour directly or indirectly the prejudice or subversion of the same and that before the respective Presbyteries of their bounds by whatsoever gift presentation or provision they may be thereto provided And further Her Majesty with advice foresaid expressly Declares and Statutes that none of the Subjects of this Kingdom shall be lyable to but all and every one of them for ever free of any Oath Test or Subscription within this Kingdom contrary to or inconsistent with the foresaid True Protestant Religion and Presbyterian Church Government Worship and Discipline as above established And that the same within the bounds of this Church and Kingdom shall never be

imposed upon or required of them in any sort And Lastly that after the Decease of Her present Majesty (whom God long preserve) the Sovereign succeeding to her in the Royal Government of the Kingdom of Great Britain shall in all time coming at his or her accession to the Crown Swear and Subscribe That they shall inviolably maintain and preserve the foresaid settlement of the True Protestant Religion with the Government Worship Discipline Right and Priviledges of this Church as above established by the Laws of this Kingdom in prosecution of the Claim of Right And it is hereby Statute and Ordained That this Act of Parliament with the Establishment therein contained shall be held and observed in all time coming as a fundamentall and essentiall Condition of any Treaty or Union to be Concluded betwixt the Two Kingdoms without any Alteration thereof or Derogation thereto in any sort for ever As also that this Act of Parliament and Settlement therein contained shall be Insert and Repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the Two Kingdoms And that the same shall be therein expressly Declared to be a fundamentall and essentiall Condition of the said Treaty or Union in all time coming

WHICH ARTICLES OF UNION and Act immediately above written Her Majesty with advice and consent foresaid Statutes Enacts and Ordains to be and Continue in all time coming the sure and perpetuall foundation of ane compleat and intire Union of the Two Kingdoms of Scotland and England under this express Condition and Provision That the Approbation and Ratification of the foresaids Articles and Act shall be nowayes binding on this Kingdom untill the said Articles and Act be Ratified Approven and Confirmed by her Majesty with and by the Authority of the Parliament of England as they are now Agreed to Approved and Confirmed by her Majestie with and by the Authority of the Parliament of Scotland Declaring nevertheless that the Parliament of England may provide for the security of the Church of England as they think expedient to take place within the bounds of the said Kingdom of England and not Derogating from the security above provided for Establishing of the Church of Scotland within the bounds of this Kingdom As also the said Parliament of England may extend the Additions and other provisions contained in the Articles of Union as above insert in favours of the Subjects of Scotland to and in favours of the Subjects of England which shall not Suspend or Derogate from the force and effect of this present Ratification But shall be understood as herein included without the necessity of any new Ratification in the Parliament of Scotland And lastly Her Majesty Enacts and Declares That all Laws and Statutes in this Kingdom so far as they are contrary to or inconsistent with the terms of these Articles as abovementioned shall from and after the Union cease and become void

## CAP. 8.

[1707, *cap.* 8.]

7

ACT settling the manner of Electing the Sixteen Peers and Forty Five Commoners to Represent Scotland in the Parliament of Great Britain

OUR Sovereign Lady considering that by the twenty second Article of the Treaty of Union as the same is ratified by ane Act past in this Session of Parliament upon the sixteenth of January last It is provided that by virtue of the said Treaty of the Peers of Scotland at the time of the Union Sixteen shall be the number to sit and vote in the House of Lords and Fourty five the number of the Representatives of Scotland in the House of Commons of the Parliament of Great Britain And that the said Sixteen Peers and Fourty five members in the House of Commons be Named and Chosen in such manner as by a subsequent Act in this present Session of Parliament in Scotland should be settled Which act is thereby declared to be als valid as if it were a part of and ingrossed in the said Treaty Therefore Her Majestie with advice and consent of the Estates of Parliament Statutes Enacts and Ordains That the said Sixteen Peers

who shall have right to sit in the House of Peers in the Parliament of Great Britain on the part of Scotland by virtue of this Treaty shall be named by the said Peers of Scotland whom they represent their heirs or successors to their dignities and honours out of their own number and that by open Election and plurality of voices of the Peers present and of the Proxies for such as shall be absent the said Proxies being Peers and producing a mandat in writing duely signed before witnesses and both the Constituent and Proxie being qualified according to law Declaring also that such Peers as are absent being qualified as aforesaid may send to all such meetings Lists of the Peers whom they Judge fittest validly signed by the said absent Peers which shall be reckoned in the same manner as if the parties had been present and given in the said List And in case of the death or legall incapacity of any of the said Sixteen Peers That the foressaid Peers of Scotland shall nominate another of their own number in place of the said Peer or Peers in manner before and aftermentioned . . . . It is always hereby expressly Provided and Declared that none shall be capable to Elect or be Elected for any of the said Estates but such as are Twenty one years of age compleat . . . .

[*In part rep., 6 Ed. 7 c. 38 (S.L.R.).*]

# CAP. 10.

[1707, cap. 9.]

## ACT anent Plantation of Kirks and Valuation of Teinds

OUR Sovereign Lady and the Estates of Parliament Considering the great prejudice that does redound to this Nation through the want of ane established and fixed Judicature which may cognosce and determine in such causes and things as by former Parliaments were referred to their Commissions for Plantation of Kirks and Valuation of Teinds and through the loss of the Registers of that Court which were burnt in the late fire that happened in this place Therefore Her Majestie and the said Estates Doe hereby Impower Authorize and Appoint the Lords of Counsell and Session to Judge Cognosce and Determine in all affairs and causes whatsoever which by the Laws and Acts of Parliament of this Kingdome were formerly referred to and did pertain and belong to the Jurisdiction and Cognisance of the Commissions formerly appointed for that effect also fully and freely in all respects as the said Lords do or may do in other civil causes And particularly but prejudice to the generality foersaid to determine in all valuations and sales of Teinds to grant augmentations of Ministers Stipends prorogations of Tacks of Teinds to disjoin too large paroches to erect and build new Churches to annex and dismember Churches as they shall think fit conforme to the Rules laid down and powers granted by the nineteenth Act of the Parliament 1<sup>m</sup> vj<sup>c</sup> and thirty three the twenty third and thirtieth Acts of the Parliament 1<sup>m</sup> vj<sup>c</sup> and ninety and the twenty fourth Act of the Parliament 1<sup>m</sup> vj<sup>c</sup> and ninety three in sua far as the same stands unrepealed the transporting of Kirks disjoyning of too large paroches or erecting and building of new kirks being alwayes with the consent of the heritors of three parts of four at least of the valuation of the paroch whereof the kirk is craved to be transported or the paroch to be disjoynd and new kirks to be erected and built the Minister in the mean time to serve the cure in the present kirk of the paroch And for that effect appoints the saids Lords to meet and sit . . . . during the time of Session And to call and discuss the said causes summarly conforme to an Roll to be made up and kept of the samen And for supplying the lost Registers of that Court Her Majesty and the said Estates Do hereby Appoint and Ordain that any authentick Extracts from the said Records be brought in and being presented to the said Lords be Recorded in a particular Register And that the said Extracts so brought in be kept by the Lord Clerk Register and his Deputs Clerks to be appointed by him for that effect as their warrands which shall be held and repute also valid and authentick as the principall warrands themselves if the same were yet extant And the Lord Register and his

deputs are ordained to give a new Extract gratis to every person that shall give in ane old Extract immediately upon delivery thereof And that Extracts from these new Records shall make the like faith in Judgement and outwith the same as the Extracts from the old Registers of the Commission were wont to do before the same were burnt And further Impowering the said Lords upon such evidents and adminicles as they shall see cause to make up the tenor of such decreets in manner abovementioned whereof Extracts are amissing and the Registers lost in the said fire Declaring hereby that the Lord Register and his Deputs to be appointed by him as said is shall have the sole and only power and priviledge of Raising and Subscribing of the Summondses and Diligences relating to the affairs abovementioned the samen alwayes passing Her Majesties common Signet as formerly . . . . And Lastly It is hereby declared That this present Act and Commission shall be subject nevertheless to such Regulations and Alterations as shall be made by the Parliament of Great Britain

[*In part rep.*, 6 Ed. 7 c. 38 (S.L.R.).]

---

CAP. 91.

[1707, *cap.* 13.]

ACT for preserving the Game

. . . . It is hereby Discharged that no common Fowllers shall presume to hunt on any grounds without a subscribed Warrant from the proprietors of the said grounds under the penalty foresaid Besyds forfaiting their dogs guns and nets to the Apprehenders or Discoverers And its hereby further Provyded That no Fowler or any other person whatsoever shall come within any Heritors ground without leave ask'd and given by the Heritor with setting dogs and nets for killing fowlls by nets . . . .

[*In part rep.*, 6 Ed. 7 c. 28 (S.L.R.).]

## CHRONOLOGICAL TABLE



# THE ACTS

## OF THE PARLIAMENTS OF SCOTLAND,

### 1424-1707.

#### CHRONOLOGICAL TABLE OF ACTS IN FORCE.

Reign, year, and chapter.		Subject-matter.	Page.
Record edition.	12mo edition.		
James I. 1424 (May 26).	James I. Par. 1.—1424.		
c. 12 . .	c. 11 . .	Salmon . . . . .	1
c. 13 . .	c. 12 . .	Gold and silver mines . . . . .	1
c. 25 . .	c. 24 . .	Travellers . . . . .	1
James I. 1424 (Mar. 12).	James I. Par. 2.—1424.		
c. 24 . .	c. 45 . .	Poor's counsel . . . . .	2
James I. 1425.	James I. Par. 3.—1425.		
c. 3 . .	c. 48 . .	The law of the land . . . . .	2
James I. 1427 (July 1).	James I. Par. 6.—1426.		
c. 8 . .	c. 88 . .	Jurisdiction over Scotsmen dying abroad . . . . .	2
James I. 1429 (Mar. 6).	James I. Par. 9.—1429.		
c. 3 . .	c. 113 . .	Brieves . . . . .	2
c. 20 . .	c. 129 . .	Lawburrows . . . . .	3
James II. 1449.	James II. Par. 6.—1449.		
c. 6 . .	cc. 18-19 .	Leases of land . . . . .	4
James III. 1469.	James III. Par. 5.—1469.		
c. 3 . .	c. 27 . .	Reversions . . . . .	5
c. 4 . .	c. 28 . .	Prescription . . . . .	5
c. 12 . .	c. 36 . .	Tenants . . . . .	5

*Chronological Table.*

Reign, year, and chapter.		Subject-matter	Page.
Record edition.	12mo edition.		
James III. 1474.	James III. Par. 7.—1474.		
c. 6 . . .	c. 51 . . .	Brieves of tutory . . . . .	6
c. 9 . . .	c. 54 . . .	Prescription . . . . .	6
James III. 1478.	James III. Par. 10.—1477.		
c. 6 . . .	c. 73 . . .	Salmon . . . . .	6
James III. 1481 (Mar. 18).	James III. Par. 11.—1481.		
c. 14 . . .	c. 83 . . .	Wife's ratification . . . . .	7
James III. 1487 (Oct. 1).	James III. Par. 14.—1487.		
c. 17 . . .	c. 111 . . .	Royal Burghs Convention . . . . .	7
James IV. 1491 (Apr. 28).	James IV. Par. 3.—1491.		
c. 6 . . .	c. 25 . . .	Wardholding . . . . .	8
c. 7 . . .	c. 26 . . .	Tenants of lands in ward . . . . .	8
c. 19 . . .	c. 36 . . .	Burgh common good . . . . .	8
James IV. 1503.	James IV. Par. 6.—1503.		
c. 9 . . .	c. 65 . . .	Spuillye . . . . .	9
c. 21 . . .	c. 76 . . .	Heirs and executors . . . . .	9
c. 22 . . .	c. 77 . . .	Terce . . . . .	9
c. 45 . . .	c. 98 . . .	Plough goods . . . . .	9
James V. 1532.	James V. Par. 5.—1537.		
c. 2 . . .	cc. 36-41 . . .	College of Justice . . . . .	10
James V. 1535.	James V. Par. 4.—1535.		
c. 14 . . .	c. 15 . . .	Liferenters' duties . . . . .	10
c. 38 . . .	c. 32 . . .	Hornings . . . . .	11
James V. 1540 (Dec. 3).	James V. Par. 6.—1540.		
c. 10 . . .	c. 75 . . .	Citation . . . . .	11
James V. 1540 (Mar. 14).	James V. Par. 7.—1540.		
c. 10 . . .	c. 93 . . .	College of Justice . . . . .	12
c. 22 . . .	c. 104 . . .	Judges . . . . .	12
c. 23 . . .	c. 105 . . .	Fraud . . . . .	13
c. 37 . . .	c. 117 . . .	Subscription of deeds . . . . .	13
c. 41 . . .	. . . . .	Legates . . . . .	14
Mary. 1551 (Feb. 1).	Mary. Par. 5.—1551.		
c. 11 . . .	c. 19 . . .	Bigamy . . . . .	15

*Chronological Table.*

Reign, year, and chapter.		Subject-matter.	Page.
Record edition.	12mo edition.		
<b>Mary.</b> 1555.	<b>Mary.</b> Par. 6.—1555.		
c. 3 . . .	c. 30 . . .	Removal in redemptions . . . . .	15
c. 6 . . .	c. 33 . . .	Citation . . . . .	15
c. 8 . . .	c. 35 . . .	Minors . . . . .	16
c. 12 . . .	c. 39 . . .	Removings . . . . .	16
c. 16 . . .	c. 42 . . .	Civil procedure . . . . .	17
c. 25 . . .	c. 51 . . .	Game . . . . .	17
<b>Mary.</b> 1560.			
c. 1 . . .	. . . . .	Confession of Faith . . . . .	18
c. 2 . . .	. . . . .	Jurisdiction of Pope . . . . .	28
<b>Mary.</b> 1563.	<b>Mary.</b> Par. 9.—1563.		
c. 3 . . .	c. 68 . . .	Salmon . . . . .	29
c. 8 . . .	c. 72 . . .	Mansees and glebes . . . . .	29
c. 17 . . .	c. 79 . . .	Notaries . . . . .	30
<b>James VI.</b> 1567.	<b>James VI.</b> Par. 1.—1567.		
c. 8 . . .	c. 8 . . .	Coronation oath . . . . .	31
c. 12 . . .	. . . . .	Church . . . . .	31
c. 15 . . .	c. 14 . . .	Incest . . . . .	32
c. 16 . . .	c. 15 . . .	Marriage . . . . .	32
c. 22 . . .	c. 18 . . .	Court of Session . . . . .	33
<b>James VI.</b> 1572.	<b>James VI.</b> Par. 3.—1572.		
c. 5 . . .	c. 48 . . .	Mansees and glebes . . . . .	33
c. 15 . . .	c. 54 . . .	Parish churches . . . . .	34
<b>James VI.</b> 1573.	<b>James VI.</b> Par. 4.—1573.		
c. 1 . . .	c. 55 . . .	Divorce for desertion . . . . .	34
<b>James VI.</b> 1578.	<b>James VI.</b> Par. 5.—1578.		
c. 6 . . .	c. 62 . . .	Glebes . . . . .	35
c. 11 . . .	c. 64 . . .	Burghs . . . . .	35
c. 13 . . .	c. 66 . . .	Crown lands . . . . .	36
<b>James VI.</b> 1579.	<b>James VI.</b> Par. 6.—1579.		
c. 6 . . .	c. 68 . . .	Church . . . . .	37
c. 7 . . .	c. 69 . . .	" . . . . .	37
c. 8 . . .	c. 70 . . .	Sunday observance . . . . .	37
c. 13 . . .	c. 75 . . .	Horning . . . . .	38
c. 16 . . .	c. 78 . . .	Criminal complaints . . . . .	39
c. 18 . . .	c. 80 . . .	Execution of deeds . . . . .	39
c. 19 . . .	c. 81 . . .	Prescription . . . . .	40
c. 20 . . .	c. 82 . . .	" . . . . .	40

*Chronological Table.*

Reign, year, and chapter.		Subject-matter.	Page.
Record edition.	12mo edition.		
<b>James VI.</b> 1579 <i>continued.</i>	<b>James VI.</b> Par. 6.—1579 <i>continued.</i>		
c. 21 . .	c. 83 . .	Prescription . . . . .	40
c. 37 . .	c. 92 . .	Court of Session . . . . .	40
c. 38 . .	c. 93 . .	" . . . . .	41
c. 45 . .	c. 94 . .	Hornings . . . . .	42
<b>James VI.</b> 1581.	<b>James VI.</b> Par. 7.—1581.		
c. 2 . .	c. 100 . .	Ministers' stipends . . . . .	42
c. 22 . .	c. 117 . .	Lawburrows . . . . .	42
c. 23 . .	c. 118 . .	Deforcements . . . . .	43
c. 26 . .	c. 119 . .	Convention of Burghs. . . . .	43
<b>James VI.</b> 1584 (May 19).	<b>James VI.</b> Par. 8.—1584.		
c. 2 . .	c. 129 . .	King's authority . . . . .	44
c. 4 . .	c. 131 . .	Other jurisdictions and assemblies . . . . .	44
c. 6 . .	c. 133 . .	Ministers, judges . . . . .	45
c. 15 . .	c. 139 . .	Execution of decrees . . . . .	45
<b>James VI.</b> 1584 (Aug. 20).	<b>James VI.</b> Par. 9.—1584.		
c. 10 . .	c. 3 . .	Double poindings . . . . .	46
c. 11 . .	c. 4 . .	Subscription of deeds . . . . .	47
<b>James VI.</b> 1585.	<b>James VI.</b> Par. 10.—1585.		
c. 1 . .	c. 10 . .	Leasing making . . . . .	47
c. 6 . .	c. 12 . .	Leagues . . . . .	48
c. 25 . .	c. 18 . .	Curators . . . . .	48
<b>James VI.</b> 1587.	<b>James VI.</b> Par. 11.—1587.		
c. 6 . .	c. 27 . .	Disorders in church . . . . .	49
c. 30 . .	c. 46 . .	Officers of arms . . . . .	50
c. 37 . .	c. 54 . .	Food . . . . .	51
c. 43 . .	c. 59 . .	Game . . . . .	51
c. 54 . .	cc. 70-81 . .	Crown rents . . . . .	51
c. 57 . .	cc. 82-92 . .	Administration of justice, criminal . . . . .	52
c. 114 . .	c. 113 . .	Burghs . . . . .	53
<b>James VI.</b> 1592.	<b>James VI.</b> Par. 12.—1592.		
c. 8 . .	c. 116 . .	Religion . . . . .	53
c. 9 . .	c. 117 . .	Deposition from benefices . . . . .	54
c. 10 . .	c. 118 . .	Manes and glebes . . . . .	55
c. 11 . .	c. 119 . .	Adultery . . . . .	55
c. 29 . .	c. 127 . .	Lyon King. . . . .	56
c. 31 . .	" . .	Mines and metals . . . . .	57
c. 50 . .	c. 134 . .	Lords of Session . . . . .	58
c. 59 . .	c. 141 . .	Execution of charges . . . . .	59

*Chronological Table.*

Reign, year, and chapter.		Subject-matter.	Page.
Record edition.	12mo edition.		
James VI. 1592 <i>continued.</i>	James VI. Par. 12.—1592 <i>continued.</i>		
c. 61 . . .	c. 143 . . .	Compensation . . . . .	59
c. 62 . . .	c. 144 . . .	Expenses of process . . . . .	59
c. 72 . . .	c. 152 . . .	Deforcement . . . . .	59
c. 75 . . .	c. 155 . . .	Burghs . . . . .	60
James VI. 1593.	James VI. Par. 13.—1593.		
c. 8 . . .	c. 165 . . .	Glebes . . . . .	61
c. 9 . . .	c. 166 . . .	Ministers . . . . .	61
c. 12 . . .	c. 169 . . .	Ministers' livings . . . . .	61
c. 22 . . .	c. 177 . . .	Assaults in courts . . . . .	62
c. 25 . . .	c. 179 . . .	Execution of deeds . . . . .	62
c. 34 . . .	c. 181 . . .	Execution of decrees in burghs . . . . .	62
c. 39 . . .	c. 185 . . .	Common good of burghs . . . . .	63
James VI. 1594.	James VI. Par. 14.—1594.		
c. 8 . . .	c. 201 . . .	Sunday . . . . .	63
c. 9 . . .	c. 202 . . .	Manes and glebes . . . . .	64
c. 22 . . .	c. 212 . . .	Declinatures . . . . .	64
c. 24 . . .	c. 218 . . .	Prescription . . . . .	64
c. 26 . . .	c. 220 . . .	Buying of subjects of depending suits . . . . .	65
c. 27 . . .	c. 217 . . .	Ejections . . . . .	65
c. 30 . . .	c. 224 . . .	Parricide . . . . .	66
c. 35 . . .	c. 225 . . .	Burghs . . . . .	66
c. 36 . . .	c. 226 . . .	" . . . . .	66
James VI. 1597.	James VI. Par. 15.—1597.		
c. 3 . . .	c. 232 . . .	Churchyards . . . . .	67
c. 17 . . .	c. 250 . . .	Irritancy of feu . . . . .	67
c. 40 . . .	c. 273 . . .	Lawburrows . . . . .	68
c. 41 . . .	c. 274 . . .	General band . . . . .	68
James VI. 1600.	James VI. Par. 16.—1600.		
c. 22 . . .	c. 13 . . .	Hornings . . . . .	68
c. 23 . . .	c. 14 . . .	King's officers . . . . .	68
c. 29 . . .	c. 20 . . .	Marriage of adulterers . . . . .	69
c. 30 . . .	c. 21 . . .	Registers . . . . .	69
James VI. 1606.	James VI. Par. 18.—1606.		
c. 1 . . .	c. 1 . . .	King's prerogative . . . . .	69
c. 6 . . .	c. 7 . . .	Glebes . . . . .	70
c. 9 . . .	c. 10 . . .	Hornings . . . . .	71
c. 12 . . .	c. 13 . . .	Lint in lochs . . . . .	71
c. 16 . . .	c. 17 . . .	Royal burghs . . . . .	71

*Chronological Table.*

Reign, year, and chapter.		Subject-matter.	Page.
Record edition.	12mo edition.		
James VI. 1607.	James VI. Par. 19.—1607.		
c. 6 . .	c. 3 . .	Woods . . . . .	72
c. 13 . .	c. 6 . .	Royal burghs . . . . .	72
James VI. 1609.	James VI. Par. 20.—1609.		
c. 22 . .	c. 15 . .	Hornings . . . . .	73
James VI. 1612.	James VI. Par. 21.—1612.		
c. 7 . .	c. 7 . .	Hornings . . . . .	73
James VI. 1617.	James VI. Par. 22.—1617.		
c. 3 . .	c. 3 . .	Plantation of kirks . . . . .	74
c. 6 . .	c. 6 . .	Communion elements . . . . .	78
c. 12 . .	c. 12 . .	Prescription . . . . .	78
c. 13 . .	c. 13 . .	Reductions . . . . .	79
c. 14 . .	c. 14 . .	Executors . . . . .	80
c. 15 . .	c. 15 . .	Escheats . . . . .	80
c. 16 . .	c. 16 . .	Registration . . . . .	80
c. 17 . .	c. 17 . .	Arrestments . . . . .	81
c. 19 . .	c. 19 . .	Dovecots . . . . .	82
James VI. 1621.	James VI. Par. 23.—1621.		
c. 5 . .	c. 5 . .	Plantation of kirks . . . . .	82
c. 6 . .	c. 6 . .	Comprisings . . . . .	87
c. 7 . .	c. 7 . .	Adjudications . . . . .	88
c. 10 . .	c. 10 . .	Glebes to be teind free . . . . .	89
c. 14 . .	c. 14 . .	Gaming . . . . .	90
c. 18 . .	c. 18 . .	Bankrupts' alienations . . . . .	91
c. 20 . .	c. 20 . .	Hornings . . . . .	92
c. 22 . .	c. 22 . .	Forgery . . . . .	93
c. 31 . .	c. 31 . .	Hunting and hawking . . . . .	93
Charles I. 1633.	Charles I. Par. 1.—1633.		
c. 3 . .	c. 3 . .	Royal prerogative . . . . .	94
c. 6 . .	c. 6 . .	Charitable bequests . . . . .	94
c. 7 . .	c. 7 . .	Invading of ministers . . . . .	95
c. 8 . .	c. 8 . .	Ministers' stipends . . . . .	95
c. 15 . .	c. 15 . .	Teinds . . . . .	96
c. 17 . .	c. 17 . .	" . . . . .	97
c. 19 . .	c. 19 . .	Valuation of teinds . . . . .	98
Charles II. 1661.	Charles II. Par. 1.—1661.		
c. 6 . .	c. 2 . .	King's prerogative . . . . .	104
c. 7 . .	c. 3 . .	" . . . . .	104
c. 12 . .	c. 4 . .	" . . . . .	105
c. 13 . .	c. 5 . .	" . . . . .	105

*Chronological Table.*

Reign, year, and chapter.		Subject-matter.	Page.
Record edition.	12mo edition.		
Charles II. 1661 <i>continued.</i>	Charles II. Par. 1.—1661 <i>continued.</i>		
c. 47.	.	Citation in treason . . . . .	106
c. 67.	c. 61 . . . . .	Teind Commission . . . . .	106
c. 88.	c. 24 . . . . .	Apparent heirs . . . . .	109
c. 211.	.	Precedence . . . . .	109
c. 215.	c. 20 . . . . .	Cursing and beating parents . . . . .	110
c. 218.	c. 29 . . . . .	Poining . . . . .	110
c. 239.	c. 26 . . . . .	Restoration of stolen goods . . . . .	111
c. 243.	c. 31 . . . . .	Registration of comprisings . . . . .	111
c. 244.	c. 32 . . . . .	Bonds . . . . .	112
c. 246.	c. 34 . . . . .	Clandestine marriages . . . . .	112
c. 247.	.	Redemption in reversions . . . . .	113
c. 281.	c. 18 . . . . .	Sunday . . . . .	113
c. 283.	c. 51 . . . . .	Arrestments . . . . .	114
c. 284.	c. 41 . . . . .	Enclosing ground . . . . .	114
c. 331.	c. 54 . . . . .	Patrons . . . . .	115
c. 338.	c. 38 . . . . .	Justices of Peace . . . . .	115
c. 344.	c. 62 . . . . .	Debtor and creditor . . . . .	118
Charles II. 1663.	Charles II. Par. 1. Sess. 3. 1663.		
c. 4 . . . . .	c. 10 . . . . .	Minority in comprisings . . . . .	120
c. 12 . . . . .	c. 6 . . . . .	Ruinous houses in burghs . . . . .	120
c. 31 . . . . .	c. 21 . . . . .	Manes and glebes . . . . .	121
c. 34 . . . . .	c. 28 . . . . .	Teind commission . . . . .	121
Charles II. 1669.	Charles II. Par. 2.—1669.		
c. 5 . . . . .	c. 4 . . . . .	Poining . . . . .	124
c. 7 . . . . .	c. 6 . . . . .	Benefices and stipends . . . . .	124
c. 14 . . . . .	c. 9 . . . . .	Prescriptions . . . . .	125
c. 15 . . . . .	c. 10 . . . . .	Interruptions . . . . .	125
c. 37 . . . . .	c. 16 . . . . .	Highways and bridges . . . . .	126
c. 38 . . . . .	c. 17 . . . . .	Enclosing of ground . . . . .	126
c. 39 . . . . .	c. 18 . . . . .	Adjudications . . . . .	127
c. 95 . . . . .	.	Lyon King at Arms . . . . .	127
Charles II. 1672.	Charles II. Par. 2. Sess. 3. 1672.		
c. 2 . . . . .	c. 2 . . . . .	Tutors and Curators . . . . .	128
c. 6 . . . . .	c. 6 . . . . .	Second summons . . . . .	129
c. 16 . . . . .	c. 7 . . . . .	Great and Privy Seals . . . . .	129
c. 24 . . . . .	c. 13 . . . . .	Ann . . . . .	130
c. 39 . . . . .	c. 15 . . . . .	Teind commission . . . . .	130
c. 40 . . . . .	c. 16 . . . . .	Regulation of Judicatories . . . . .	132
c. 45 . . . . .	c. 19 . . . . .	Adjudications . . . . .	136
c. 47 . . . . .	c. 21 . . . . .	Lyon King at Arms . . . . .	136

*Chronological Table.*

Reign, year, and chapter.		Subject-matter.	Page.
Record edition.	12mo edition.		
<b>Charles II.</b> 1681.	<b>Charles II.</b> Par. 3.—1681.		
c. 5 . . .	c. 5 . . .	Execution of deeds . . . . .	137
c. 12 . . .	c. 10 . . .	Terce . . . . .	138
c. 13 . . .	c. 11 . . .	Registration in Burgh . . . . .	138
c. 79 . . .	c. 13 . . .	Declinatures . . . . .	139
c. 82 . . .	c. 16 . . .	Admiralty Court . . . . .	139
c. 83 . . .	c. 17 . . .	Bankrupts' lands . . . . .	140
c. 85 . . .	c. 19 . . .	Oaths of minors . . . . .	140
c. 86 . . .	c. 20 . . .	Bills of exchange . . . . .	141
c. 108 . . .	. . . . .	Coal and salt . . . . .	141
<b>James VII.</b> 1685.	<b>James VII.</b> Par. 1.—1685.		
c. 14 . . .	c. 14 . . .	Prescription . . . . .	142
c. 15 . . .	c. 15 . . .	Interruptions . . . . .	142
c. 26 . . .	c. 22 . . .	Tailyies . . . . .	142
c. 35 . . .	c. 28 . . .	Teind Commission . . . . .	143
c. 40 . . .	c. 35 . . .	Messengers' fees . . . . .	145
c. 56 . . .	c. 43 . . .	Orkney and Shetland . . . . .	145
<b>James VII.</b> 1686.	<b>James VII.</b> Par. 1. Sess. 2. 1686.		
c. 4 . . .	c. 3 . . .	Subscription of interlocutors . . . . .	146
c. 5 . . .	c. 4 . . .	Executions . . . . .	146
c. 21 . . .	c. 11 . . .	Winter herding . . . . .	146
c. 29 . . .	c. 17 . . .	Sasines . . . . .	147
c. 30 . . .	c. 18 . . .	Evidence of witnesses . . . . .	147
c. 33 . . .	c. 19 . . .	Registration of Sasines . . . . .	147
c. 34 . . .	c. 22 . . .	Teind Commission . . . . .	148
<b>William and Mary.</b> 1689 (Mar. 14).	<b>Estates of Scotland.</b> 1689.		
c. 28 . . .	c. 13 . . .	Claim of Right and offer of Crown . . . . .	150
<b>William and Mary.</b> 1689 (June 5).	<b>William and Mary.</b> Par. 1.—1689.		
c. 4 . . .	c. 3 . . .	Abolition of prelacy . . . . .	154
<b>William and Mary.</b> 1690 (Apr. 15).	<b>William and Mary.</b> Par. 1. Sess. 2. 1690.		
c. 7 . . .	c. 5 . . .	Confession of Faith, etc. . . . .	154
c. 16 . . .	c. 13 . . .	Hornings . . . . .	174
c. 49 . . .	c. 20 . . .	Bankrupts' lands . . . . .	174
c. 53 . . .	c. 23 . . .	Patronage . . . . .	174
c. 56 . . .	c. 26 . . .	Confirmation of testaments . . . . .	175
c. 61 . . .	c. 32 . . .	Vassals of kirk lands . . . . .	175
c. 63 . . .	c. 30 . . .	Teind Commission . . . . .	176

*Chronological Table.*

Reign, year, and chapter.		Subject-matter.	Page.
Record edition.	12mo edition.		
<b>William and Mary. 1693.</b>	<b>William and Mary. Par. 1. Sess. 4. 1693.</b>		
c. 21 . .	c. 12 . .	Citations . . . . .	177
c. 22 . .	c. 13 . .	Preferences of real rights . . . . .	178
c. 23 . .	c. 14 . .	Registers . . . . .	178
c. 24 . .	c. 15 . .	Registrations . . . . .	178
c. 31 . .	c. 18 . .	Court of Session . . . . .	179
c. 38 . .	c. 22 . .	Act of Settlement . . . . .	179
c. 39 . .	c. 23 . .	Teind Commission . . . . .	180
c. 40 . .	c. 24 . .	Whitsunday . . . . .	181
c. 41 . .	c. 25 . .	Parsonages . . . . .	181
c. 42 . .	c. 26 . .	Court of Session . . . . .	181
c. 43 . .	c. 27 . .	„ of Justiciary . . . . .	182
c. 45 . .	c. 28 . .	Common good . . . . .	182
c. 51 . .	c. 30 . .	Burghs . . . . .	183
<b>William. 1695.</b>	<b>William. Par. 1. Sess. 5. 1695.</b>		
c. 6 . .	c. 4 . .	Justice Court . . . . .	185
c. 7 . .	c. 5 . .	Cautioners . . . . .	185
c. 8 . .	c. 6 . .	Bankrupts' estates . . . . .	186
c. 35 . .	c. 22 . .	Intrusion into churches . . . . .	186
c. 36 . .	c. 23 . .	Runrig lands . . . . .	187
c. 51 . .	c. 27 . .	Church . . . . .	187
c. 54 . .	c. 30 . .	Sandhills and bents . . . . .	188
c. 69 . .	c. 38 . .	Commonties . . . . .	188
c. 71 . .	c. 40 . .	Signet letters . . . . .	189
c. 72 . .	c. 41 . .	Executors-creditors . . . . .	189
<b>William. 1696.</b>	<b>William. Par. 1. Sess. 6. 1696.</b>		
c. 5 . .	c. 5 . .	Notour bankruptcy . . . . .	190
c. 8 . .	c. 8 . .	Tutors and curators . . . . .	190
c. 9 . .	c. 9 . .	Decennial prescription . . . . .	191
c. 14 . .	c. 14 . .	Universities . . . . .	192
c. 15 . .	c. 15 . .	Form of deeds . . . . .	192
c. 18 . .	c. 18 . .	Registration of Sasines . . . . .	192
c. 19 . .	c. 19 . .	„ of Interruptions . . . . .	193
c. 20 . .	c. 20 . .	Vicious intromitters . . . . .	193
c. 25 . .	c. 25 . .	Blank bonds and trusts . . . . .	193
c. 35 . .	c. 33 . .	Salmon . . . . .	194
c. 38 . .	c. 36 . .	Inland bills . . . . .	194
c. 41 . .	c. 39 . .	Registration . . . . .	194
<b>William. 1698.</b>	<b>William. Par. 1.—Sess. 7. 1698.</b>		
c. 2 . .	c. 2 . .	Vacant churches . . . . .	195
c. 3 . .	c. 3 . .	Salmon . . . . .	196

*Chronological Table.*

Reign, year, and chapter.		Subject-matter.	Page.
Record edition.	12mo edition.		
William. 1698	William. Par. 1.—Sess. 7. 1698		
<i>continued.</i>	<i>continued.</i>		
c. 4 . . .	c. 4 . . .	Registration . . . . .	196
c. 6 . . .	c. 6 . . .	Clandestine marriages . . . . .	196
c. 11 . . .	c. 11 . . .	Vassals of bishops' lands . . . . .	197
c. 35 . . .	c. 16 . . .	Planting . . . . .	197
c. 39 . . .	c. 20 . . .	Trade . . . . .	198
William. 1700.	William. Par. 1. Sess. 8 and 9. 1700.		
c. 6 . . .	c. 6 . . .	Criminal procedure . . . . .	198
Anne. 1705.	Anne. Par. 1. Sess. 3. 1705.		
c. 48 . . .	c. 2 . . .	Fisheries . . . . .	201
Anne. 1707.	Anne. Par. 1. Sess. 4. 1707.		
c. 6 . . .	c. 6 . . .	Act of Security . . . . .	201
c. 7 . . .	c. 7 . . .	Union with England . . . . .	203
c. 8 . . .	c. 8 . . .	Election of Peers and members of Parliament . . . . .	208
c. 10 . . .	c. 9 . . .	Kirks and teinds . . . . .	209
c. 91 . . .	c. 13 . . .	Game . . . . .	210

## INDEX



## INDEX

	PAGE
Adjudication . . . . .	88, 120, 136, 174
Administration of Justice . . . . .	12, 39, 40, 41, 52, 65
Admiralty Court . . . . .	73, 139
Adultery . . . . .	55, 69, 182
Advising . . . . .	181, 182
Advocate . . . . .	2, 45, 134, 185, 205
Ann . . . . .	130
Arrestments . . . . .	43, 81, 114
Assembly, General . . . . .	53
 Bankruptcy . . . . .	 91, 140, 174, 186, 190
Bill of Exchange . . . . .	141, 193, 194
Brief . . . . .	2
Broom . . . . .	188
Burgh . . . . .	7, 8, 35, 43, 53, 60, 62, 63, 66, 71, 72, 115, 120, 145, 182, 183, 198, 206
 Cautionary Obligations . . . . .	 185
Charitable Bequests . . . . .	94
Charitable Endowments . . . . .	192
Church . . . . .	18, 29, 31, 33, 34, 35, 37, 42, 45, 49, 53, 54, 55, 61, 64, 67, 70, 74, 78, 82, 89, 95, 106, 121, 124, 130, 143, 148, 154, 176, 179, 180, 181, 186, 187, 195, 201, 207, 208, 209
 Citation . . . . .	 12, 15, 59, 106, 125, 142, 145, 177, 193
College of Justice . . . . .	10, 12, 33, 40, 41, 58, 64, 65
Commissary Courts . . . . .	73
Commonties . . . . .	188
Comprisings . . . . .	87, 111, 118, 120, 136
Confession of Faith . . . . .	18 <i>et seq.</i> , 154 <i>et seq.</i>
Confirmation . . . . .	175, 189, 193
Constable . . . . .	117
Constitutional . . . . .	2, 28, 31, 37, 44, 47, 51, 68, 69, 94, 104, 105, 150-153, 201, 207, 208
 Court of Session . . . . .	 132-135, 139, 146, 179, 181
Crime . . . . .	39, 49, 51, 62, 66, 72, 93, 95, 110, 111
Criminal Procedure . . . . .	52, 135, 182, 185, 198
Curator . . . . .	16, 48
 Deeds . . . . .	 62, 120, 192, 193, 194, 196
Deforcement . . . . .	43
Diligence . . . . .	5, 9, 45, 134
Dovecots . . . . .	82
 Ejection . . . . .	 65
Entails . . . . .	142
Escheat . . . . .	80, 174
Executor . . . . .	80
 Ferries . . . . .	 126
Fishery . . . . .	1, 6, 29, 194, 196, 201
Forum . . . . .	2
Fraud . . . . .	13

# *Index.*

	PAGE
Game Laws . . . . .	17, 51, 93, 210
Gaming . . . . .	90
Guardian and Ward . . . . .	190
Heir and Executor . . . . .	9
Heir Apparent . . . . .	109
Heritable and Moveable . . . . .	112
Horning . . . . .	38, 42, 45, 68, 71, 72, 73, 92, 95, 174
Husband and Wife . . . . .	7, 9, 15, 32, 34, 55, 69, 112, 138, 196
Incest . . . . .	32
Infamy . . . . .	15
Innkeeper . . . . .	1
International Law . . . . .	14
Interruption . . . . .	125, 142, 193
Justice of Peace . . . . .	115, 200
Landlord and Tenant . . . . .	4, 5, 8, 125
Land Rights . . . . .	13, 36, 80, 114, 126, 187, 188
Lawburrows . . . . .	3, 42, 68, 152
Leagues and Bands . . . . .	48
Lint . . . . .	71
Lyon King-of-Arms . . . . .	50, 56, 127, 136
Messengers-at-Arms . . . . .	106, 145
Mines and Minerals . . . . .	1, 57
Minor . . . . .	40, 47, 79, 87, 88, 120, 125, 126, 140, 190
Notary . . . . .	30, 39, 47
Oath on Reference . . . . .	40
Officers-at-Arms . . . . .	50, 56, 59
Parent and Child . . . . .	190
Parricide . . . . .	66
Pasturages . . . . .	188
Poiding . . . . .	45, 110, 124
Poor . . . . .	2
Precedence . . . . .	109
Prelacy . . . . .	154
Prescription . . . . .	5, 6, 40, 64, 78, 79, 125, 142, 185, 191
Process . . . . .	9, 11, 15, 17, 43, 46, 59, 65, 129, 145, 146, 147, 178, 179, 189
Proof . . . . .	40, 42, 68, 125
Register . . . . .	80, 134, 138, 147, 178, 192, 196
Removings . . . . .	16, 40
Reversions . . . . .	5, 15, 113
Sasine . . . . .	147, 178, 192
Security . . . . .	201, 207, 208
Sheriff . . . . .	51, 59, 145
Sheriff-Clerk . . . . .	38, 69
Spuiylie . . . . .	9, 125
Subscription of Deeds . . . . .	13, 39, 47, 137, 146
Sunday . . . . .	37, 63, 113, 117
Superior and Vassal . . . . .	5, 8, 10, 11, 67, 115, 127, 174, 175, 197
Suspension . . . . .	45, 124, 133
Taxation . . . . .	141

# *Index.*

Teinds . . . . .	74, 77, 82, 97, 98, 106, 121, 130, 143, 148, 174, 176, 180, 209	PAGE 209
Term . . . . .	. . . . .	181
Treason . . . . .	. . . . .	199
Trust . . . . .	. . . . .	193
Tutor . . . . .	. . . . .	6
Tutor and Curator . . . . .	. . . . .	128
Union . . . . .	. . . . .	203-207
Warrandice . . . . .	. . . . .	79
Whitsunday . . . . .	. . . . .	181
Winter Herding . . . . .	. . . . .	146
Wood . . . . .	. . . . .	197







LBC ESH EAa  
The acts of the Parliaments of  
Stanford Law Library



3 6105 044 769 607